

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF DEVELOPMENT OF RULEMAKING

TO

ALL INTERESTED PERSONS

UNDOCKETED

IN RE: PROPOSED AMENDMENT OF RULE 25-17.015, F.A.C., ENERGY  
CONSERVATION COST RECOVERY


ISSUED: March 21, 2018

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated rulemaking to amend Rule 25-17.015, Florida Administrative Code, to streamline the utilities' filing requirements in the energy conservation cost recovery rule.

The attached Notice of Development of Rulemaking appeared in the March 20, 2018 edition of the Florida Administrative Register. If requested in writing and not deemed unnecessary by the agency head, a rule development workshop will be scheduled and noticed in the next available Florida Administrative Register. Written requests for a rule development workshop must be submitted by April 4, 2018, to Adria Harper c/o Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. If you have any questions, please contact Ms. Harper at (850) 413-6082 or aharper@psc.state.fl.us. A copy of the preliminary draft rule is attached.

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By DIRECTION of the Florida Public Service Commission this 21st day of March, 2018.



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CARLOTTA S. STAUFFER

Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
[www.floridapsc.com](http://www.floridapsc.com)

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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Notice of Development of Rulemaking

**PUBLIC SERVICE COMMISSION**

RULE NO.: RULE TITLE:

25-17.015: Energy Conservation Cost Recovery

PURPOSE AND EFFECT: To streamline the utilities' filing requirements in energy conservation cost recovery rule.  
Undocketed

SUBJECT AREA TO BE ADDRESSED: The energy conservation cost recovery clause filing dates and filing requirements will be modified for efficiency and to avoid duplicative data filings

RULEMAKING AUTHORITY: 350.127, 366.05, FS.

LAW IMPLEMENTED: 366.01, 366.06 366.82, FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Adria E. Harper, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, aharper@psc.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

1       **25-17.015 Energy Conservation Cost Recovery.**

2       (1) The Commission shall conduct annual energy conservation cost recovery (ECCR)  
3 proceedings ~~during November~~ of each calendar year. Each utility over which the Commission  
4 has ratemaking authority may seek to recover its costs for energy conservation programs. Each  
5 utility seeking cost recovery shall file the following at the times directed by the Commission,  
6 pursuant to the order establishing procedures in the annual cost recovery proceeding:

7       (a) An annual final true-up filing showing the actual common costs, individual program  
8 costs and revenues, and actual total ECCR revenues for the most recent 12-month historical  
9 period from January 1 through December 31 that ends prior to the annual ECCR proceedings.  
10 As part of this filing, the utility shall include a summary comparison of the actual total costs  
11 and revenues reported to the estimated total costs and revenues previously reported for the  
12 same period covered by the filing in paragraph (1)(b). The filing shall also include the final  
13 over- or under-recovery of total conservation costs for the final true-up period.

14       (b) An annual estimated/actual true-up filing showing ~~eight months~~ actual and ~~four months~~  
15 projected common costs, individual program costs, and any revenues collected. Actual costs  
16 and revenues should begin January 1 immediately following the period described in paragraph  
17 (1)(a). The filing shall also include the estimated/actual over- or under-recovery of total  
18 conservation costs for the estimated/actual true-up period.

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

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

25       ~~(e) Within the 90 days that immediately follow the first six months of the reporting period~~

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1 ~~in paragraph (1)(a), each utility shall report the actual results for that period on Form~~  
2 ~~PSC/ECO/44 (11/97), entitled, Energy Conservation Cost Recovery Annual Short Form,~~  
3 ~~which is incorporated by reference in this rule, and may be obtained from the Director,~~  
4 ~~Division of Economics, Florida Public Service Commission.~~

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

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

11 (4) New programs or program modifications must be approved prior to a utility seeking  
12 cost recovery. A utility may seek cost recovery for implementation costs associated with new  
13 or modified programs incurred prior to Commission approval. ~~Specifically, any incentives or~~  
14 ~~rebates associated with new or modified programs may not be recovered if paid before~~  
15 ~~approval.~~ However, if a utility may not seek cost recovery for any incentives or rebates  
16 associated with new or modified programs paid prior to Commission approval incurs prudent  
17 implementation costs before a new program or modification has been approved by the  
18 Commission, a utility may seek recovery of these expenditures.

19 (5) Advertising expense recovered through energy conservation cost recovery shall be  
20 directly related to an approved conservation program, shall not mention a competing energy  
21 source, and shall not be company image enhancing. When the advertisement makes a specific  
22 claim of potential energy savings or states appliance efficiency ratings or savings, all data  
23 sources and calculations used to substantiate these claims must be included in the filing  
24 required by subsection ~~paragraph~~ (1)(a). In determining whether an advertisement is “directly  
25 related to an approved conservation program,”; the Commission shall refer to the program

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1 parameters established in the utility's Commission-approved Demand Site Management plan.

2 In addition, the Commission shall consider,~~but is not limited to,~~ whether the advertisement or  
3 advertising campaign:

4 (a) Identifies a specific problem;

5 (b) States how to correct the problem; and

6 (c) Provides direction concerning how to obtain help to alleviate the problem.

7 *Rulemaking Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(f), 366.06(1),*  
8 *366.82(3), (5) FS. History—New 1-27-81, Amended 12-30-82, 3-27-86, Formerly 25-17.15,*  
9 *Amended 8-22-90, 11-16-97, 5-4-99, \_\_\_\_\_.*

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