

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Minimum filing requirement)	DOCKET NO. 891095-EI
report of Florida Power Corporation)	
in compliance with 366.06(3), Florida)	ORDER NO. 21992
Statutes.)	
<hr/>		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 ACTION

ORDER REQUIRING FLORIDA POWER CORPORATION
TO FILE REPORT IN COMPLIANCE WITH
SECTION 366.06(3), FLORIDA STATUTES

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.

During its sunset review of the Public Service Commission, the Florida Legislature enacted Section 366.06(3)(a), Florida Statutes, which requires that each public electric utility with total annual sales in excess of 1 million megawatt-hours file a report every 4 years, or 4 years from its most recently completed rate case. All other public electric utilities are required to file on a 5 year basis. The report is to consist of, at a minimum, the modified minimum filing requirements then required by the Commission by rule, for rate proceedings pursuant to Section 366.06, Florida Statutes. Copies of the report are to be served on the Public Counsel and each party to the utility's most recent rate case concurrently with a filing with the Commission. Within 10 days of the receipt of the report, we must make copies available to the public at no more than the actual costs of reproducing the report.

DOCUMENT NUMBER-DATE

09956 OCT -5 1989

FPSC-RECORDS/REPORTING

ORDER NO. 21992
DOCKET NO. 891095-EI
PAGE 2

Section 366.06(3)(b), Florida Statutes, requires that we implement this reporting procedure for all public utilities within 18 months of the effective date of the act, which is October 1, 1989. To accomplish this implementation, approximately one-third of the public utilities are required to file each 6 months after the effective date of the act. The statute further provides that the time interval since each utility's last rate case shall be considered in determining the order of filing of the particular electric utility.

Based solely on this criterion, FPC would not be required to file its report until September 30, 1990, the end of the second six-month period. However, the earnings of the utility is another factor that we must consider in our evaluation.

To date during 1989, FPC's achieved return on equity has been consistently maintained at a level close to its 13.60% maximum authorized return on equity. The most recent reports for May, 1989 and June, 1989 indicated returns on equity of 13.60% and 13.55%, respectively. This level of earnings is sufficiently high to warrant an expedited filing to review the reasonableness of FPC's earnings on a prospective basis.

Based on the above, we have determined that Florida Power Corporation should be included in the initial 6 month period beginning October 1, 1989.

We have attached to this order (as Attachment 1) a form entitled "Report in Compliance with Section 366.06(3)(a), Florida Statutes" which shall be completed by the utility and filed with the Commission on or before Friday, March 30, 1990.

The majority of the schedules included in Attachment 1 have been selected from a draft set of revised minimum filing requirements (MFRs) that was provided to the electric utilities and other interested parties. With a few exceptions, those MFRs have been utilized in numerous rate cases and they will enable us to obtain the information necessary to ascertain the reasonableness of the utility's rates and charges.

The historical year schedules included in Attachment 1 are intended to provide sufficient data to review the actual earnings of the utility for the historical 1989 calendar year. The projected year schedules included in the report are

ORDER NO. 21992
DOCKET NO. 891095-EI
PAGE 3

intended to provide data to ascertain whether there might be any significant factors that could affect the level of the utility's earnings during the subsequent projected 1990 calendar year. This projected data will give all of the parties some insight into the future trend of the utility's earnings.

Per Section 366.06(3)(a), the utility is required to serve a copy of the report on the Public Counsel and each party of its most recent rate case. FPC's most recent rate case is Docket No. 870220-EI. The following parties participated in that docket:

Coalition of Local Governments
Florida Industrial Power Users Group
Occidental Chemical Corporation

The only circumstance under which the utility may be relieved from filing the report is with the filing of a petition, tariffs, and the minimum filing requirements necessary to initiate a rate increase or a rate decrease prior to the March 30, 1990 filing deadline.

Based on the above, it is

ORDERED by the Florida Public Service Commission that Florida Power Corporation file its report in compliance with Section 366.06(3), Florida Statutes, on or before March 30, 1990, as set forth in the body of this Order.

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

ORDER NO. 21992
DOCKET NO. 891095-EI
PAGE 4

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 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.