

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Power & Light Company for approval to amend and revise certain provisions of its Residential Load Management Program tariff and related Customer Agreement.)	)	DOCKET NO. 900387-EI
	)	ORDER NO. 23061
	)	ISSUED: 6-12-90

The following Commissioners participated in the disposition of this matter:

- MICHAEL MCK. WILSON, Chairman
- THOMAS M. BEARD
- BETTY EASLEY
- GERALD L. GUNTER

NOTICE OF PROPOSED AGENCY ACTION

ORDER APPROVING REVISIONS TO RESIDENTIAL LOAD MANAGEMENT PROGRAM AND CUSTOMER AGREEMENT

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 May 3, 1990, Florida Power & Light Company (FPL or utility) requested this Commission's approval to revise (1) certain provisions in its current Residential Load Management Program (RSL) (Sheets Nos. 4.040-4.042) and (2) the related Customer Agreement Form (Sheet No. 9.550).

The substantive changes requested in the RSL (On Call) Rate schedule consist of a revision to the utility's indemnity provision, the inclusion of a provision which states that installation of the load management equipment will be performed by a licensed, independent contractor, and a limitation on the types of appliances eligible for participation in the program (First Revised Sheet No. 4.042). The current Special Provision paragraphs are reordered in the rate schedule for enhanced customer understanding and readability of the provisions and terms of the tariff.

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New Special Provision No. 4 which replaces old Provision No. 8 specifies that the installation of the load management equipment in the customer's home is to be the sole responsibility of a licensed, independent contractor. The insertion of this information as the first sentence in this provision is to satisfy the concern of some governmental entities. The second sentence in Provision No. 4 replaces the current indemnity provision in Special Provision No. 8 with an indemnity provision that is virtually identical to the indemnity provisions in the utility's Commercial/Industrial Load Control Project and Interruptible Service Agreement.

FPL has requested approval of the addition of Special Provision Paragraph 5 to limit the type of appliances eligible for the credit. Under this Provision, solar water heaters, heat recovery units and heat pump water heaters will not qualify for the credit because they are not electric energy intensive.

The utility's Proposed Special Revision Paragraph 9 is in effect a revision to the current Paragraph 7 for clarity and simplification purposes. The revision includes a substantive addition of language which allows the utility to bill the customer for all expenses involved in removal of the load management equipment if the equipment has been rendered ineffective due to mechanical, electrical or other types of devices or actions by the customer.

FPL revised the Customer Agreement Form in answer to customers' concerns. Currently, the entire RSL rate schedule is on the back of the Agreement Form. The revision will include only the Special Provisions Section of the RSL rate schedule because all of the critical information is on the front of the form.

We have reviewed FPL's request and find it to be in the public interest to approve the same.

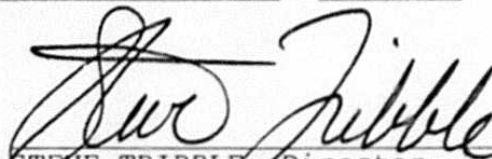
In consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that the tariff revisions of Florida Power & Light Company described in the body of this order are approved. It is further

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ORDERED that if a protest is filed within 20 days of the date of this order it will be resolved by the appropriate Commission panel pursuant to Rule 25-22.006(3)(d), Florida Administrative Code.

By ORDER of the Florida Public Service Commission,  
this 12th day of JUNE, 1990.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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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 July 3, 1990.

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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.