

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request to modify SL-1) DOCKET NO. 920577-EI
rate schedule and street)
lighting agreement by Florida)
Power and Light Company.)
_____))
In Re: Request to modify street) DOCKET NO. 930073-EI
and outdoor lighting tariffs) ORDER NO. PSC-93-0293-FOF-EI
(SL-1 and OS-1) by Florida Power) ISSUED: 02/23/93
and Light Company.)
_____))

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER APPROVING TARIFF AND CLOSING DOCKET

BY THE COMMISSION:

BACKGROUND

On July 19, 1992, this Commission issued proposed agency action Order No. PSC-92-0667-FOF-EI, approving Florida Power and Light Company's (FPL) request for tariff changes to its Street Lighting (SL-1) rate schedule and to combine its existing three current lighting agreements into a single agreement.

Subsequently, the City of Ft. Lauderdale (the City), an SL-1 customer of FPL, filed a protest to the tariff changes. The matter was referred to the Division of Administrative Hearings (DOAH) and on December 3, 1992 a formal hearing was held in Fort Lauderdale.

Following the hearing, the parties submitted to the hearing officer a notice of settlement. Thereafter the DOAH hearing officer issued his order on January 11, 1993, Relinquishing Jurisdiction and Closing File.

Consistent with the settlement FPL filed with this Commission proposed tariff changes. Those proposed changes provide:

DOCUMENT NUMBER-DATE

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FPCD-REGIONS REPORTING

1. A provision in the SL-1 rate schedule clarifying the conditions under which a customer will pay the tariffed rate of 4.66 cents per foot for conductors placed underground.
2. That the SL-1 rate schedule contain the word "patrol" in the Service section of the rate.
3. That a customer on the Outdoor Lighting rate schedule (OS-1) rate may take service under the OS-1 energy only rate for customer-owned and maintained fixtures.

In connection with the 4.66 cents per foot for conductors placed underground, the addition of language regarding payment of contribution in aid of construction (CIAC) could have been interpreted to mean the charge would apply even if the CIAC had been paid to install the underground conductors. The new provision simply clarifies that if a CIAC is paid, the monthly charge for underground conductors would not apply. Insofar as the use of the word "patrol", this word was removed from the earlier tariff revision because FPL felt that it implied a level of service which it was not providing, and never has provided. FPL indicated that they have never had a formal patrol program to identify burned out or defective street lights. Rather, they utilize personnel who are responsible for monitoring the entire distribution system to identify problems with streetlights. In order to reassure the customer that no change was intended by the removal of the word "patrol" it is being reinserted. The final change involves the OS-1 rate schedule. A provision was added by the new filing to make it clear that customer-owned and maintained lighting fixtures can receive service under the OS-1 energy-only rate.

In consideration of the foregoing, it is

ORDERED by the Florida Public Service Commission that the proposed revisions by Florida Power and Light Company to its SL-1 and OS-1 tariff rate schedules filed on January 4, 1993 are hereby approved. It is further

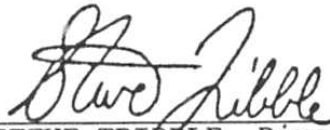
ORDERED that the tariff revisions approved herein are effective February 18, 1993. It is further

ORDERED that Docket No. 920577-EI is hereby closed. It is further

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ORDERED that this Order shall become final and Docket No. 930073-EI, closed unless an appropriate petition for formal proceeding is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

By ORDER of the Florida Public Service Commission this 23rd day of February, 1993.



STEVE TRIBLE, Director
Division of Records and Reporting

(S E A L)
MRC:bmi

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 Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), 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 March 16, 1993.

In the absence of such a petition, this order shall become final on the day subsequent to the above date.

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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 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 wastewater 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 date this Order becomes final, 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.