

AUSLEY & MCMULLEN

ORIGINAL

ATTORNEYS AND COUNSELORS AT LAW

227 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

December 15, 1997

HAND DELIVERED

Ms. Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

971617-EG

Re: Tampa Electric Company's Petition for Rule Variance or Waiver.

Dear Ms. Bayo:

Enclosed for filing in the above-styled matter are the original and fifteen (15) copies of Tampa Electric Company's Petition for Rule Variance or Waiver.

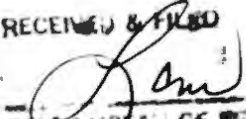
Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning same to this writer.

Thank you for your assistance in connection with this matter.

Sincerely,


James D. Beasley

- ACK _____
- AFA _____
- APP JDB/pp
- CAF _____
- CMV _____
- CTR _____
- ENG _____
- _____
- _____
- _____
- OPC _____
- RCR _____
- SEC _____
- WAS _____
- OTH _____

RECEIVED & FILED

FLORIDA PUBLIC SERVICE COMMISSION

DOCUMENT NUMBER-DATE
12790 DEC 15 5
FPSC-RECORDS/REPORTING

In re: Tampa Electric Company's)
Petition for Rule Variance or)
Waiver.)

DOCKET NO. _____
FILED: December 15, 1997

TAMPA ELECTRIC COMPANY'S
PETITION FOR RULE VARIANCE OR WAIVER

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Section 120.542, Florida Statutes, petitions the Commission for a variance or waiver of certain aspects of Fla. Admin. Code Rule 25-6.015 having to do with record retention requirements, and as grounds therefor, says:

1. The name and address of petitioner are:

Tampa Electric Company
Post Office Box 111
Tampa, FL 33601

2. All pleadings, motions, orders and other documents directed to the petitioner are to be served on:

Lee L. Willis
James D. Beasley
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302

Angela Llewellyn
Regulatory Specialist
Tampa Electric Company
Post Office Box 111
Tampa, FL 33601

3. Fla. Admin. Code Rule 25-6.015(3)(a) requires that all source documents retained as required by Title 18, Subchapter C, Part 125, Code of Federal Regulations, be maintained in their original form for a minimum of three years, or for any lesser period of time specified for that type of record in Title 19, Chapter C, Part 125, Code of Federal Regulations. The Commission's rule states that the Commission may waive the requirement that documents be retained in their original form upon a showing by a

DOCUMENT NUMBER-DATE

12790 DEC 15 5

FPSC-RECORDS/REPORTING

utility that it employs a storage retrieval system that consistently produces clear, readable copies that are substantially equivalent to the originals, and clearly reproduces handwritten notations on documents. The purpose for this Petition is to request such a waiver with respect to all source documents which have been placed on microfilm in accordance with Tampa Electric's microfilming procedures.

4. At the present time microfilm is the medium being used by Tampa Electric to convert source documents which are required to be retained by Title 18. Written procedures governing the conversion of source documents to this medium are maintained within the company's micrographic department.

5. Each roll of microfilm is indexed for easy retrieval. Original microfilm is maintained in the vault at the corporate record center and a copy is distributed to the originating department. Microfilm stored at the corporate record center is checked on an annual basis to insure archivability. Microfilm reader/printers are available throughout the company.

6. The following procedures are used for each record conversion:

- ▶ All filming is done using National Micrographic Association Standards.
- ▶ Preparation for filming consists of arranging each document in the proper order, removing staples and paper clips, taping torn pages, taping down small receipts, and preparing microfilm targets.

7. Cameras used for 16mm microfilming are:

- ▶ 3M EF5000 Business Document Rotary Camera with Blip capabilities.
- ▶ 3M 6600B Mixed Document Rotary Camera with Blip and Sequential Frame Numbering and Model 416 Continuous Form Feeder.
- ▶ Minolta 2800 Automatic Microfilm Camera.

8. All of the above-listed cameras film in simplex format and the reductions vary - 24X, 26X and 32X. All cameras are under maintenance agreements. They are cleaned and preventive maintenance is performed on a regular basis.

9. All 16mm jobs are filmed on Fuji HR11 High Resolution Film. The film is processed in-house on an Allen Processor, Model M-20CR. Chemicals used are the Fuji 455 Fixer and 537 Microflo Developer. Attached to the processor is a Roconex Ultra Silver Recovery Unit. Both of these pieces of equipment are under maintenance agreements. Preventive maintenance and cleaning are done regularly.

10. Each roll of film is individually quality control inspected. The resolution (clarity) is checked under a microscope from the resolution test pattern target. The background density and D-Min (darkness) are checked with a densitometer. Each roll is scanned on a microfilm viewer to check for legibility, folds, overlapping, light streaks, etc. If refilms are required, they are refilmed using a "Certificate of Records Additions" and spliced onto the end of the roll. Any refilms are also noted on the

outside label of the roll.

11. Methylene Blue Testing (Residual Thiosulfate Testing) is done quarterly. This is a commonly used method to insure archival quality of processed silver microfilm. This test is performed by an outside laboratory, FR Chemicals.

12. By adhering to these policies and procedures, Tampa Electric Company employs a storage and retrieval system that consistently produces clear, readable copies that are substantially equivalent to the originals, and clearly reproduce handwritten notations on documents. Obviously, Tampa Electric has gone to great lengths to ensure that the technology it relies upon to supplant the need for maintaining source documents is reliable and of the latest proven technology. The company will continue to reevaluate and upgrade its systems in the future to take full advantage of technological improvements as they are developed.

13. Based on the foregoing, Tampa Electric requests that it be granted a waiver from the source document retention requirements of Rule 25-6.015, Florida Administrative Code, for all source documents that have been placed on microfilm in accordance with the procedures described above.

14. Section 120.542, Florida Statutes, recognizes that strict application of uniformly applicable rule requirements can lead to unreasonable, unfair and unintended results in particular instances. This section goes on to authorize agencies to grant variances and waivers to requirements of their rules consistent with this section of the Administrative Procedures Act and with


rules adopted under the authority of this section.

15. Section 120.542(2), Florida Statutes, states that variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness. Tampa Electric believes that it has demonstrated in this petition that it can achieve the purpose of Rule 25-6.015 through the alternative measures discussed above and thereby avoid the substantial administrative hardship of having to maintain the documents in question in their original form.

WHEREFORE, Tampa Electric petitions the Commission for a variance or waiver of the above-described aspects of Fla. Admin. Code Rule 25-6.015.

DATED this 15th day of December, 1997.

Respectfully submitted,



LEE L. WILLIS
JAMES D. BEASLEY
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY