

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power & Light Company for approval of residential on-call research project and for waiver of Rule 25-6.0438(4)(c), F.A.C., or for issuance of order stating rule does not apply.

DOCKET NO. 010561-EI
ORDER NO. PSC-01-1376-PCO-EI
ISSUED: June 27, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER SUSPENDING TARIFF

BY THE COMMISSION:

On April 20, 2001, Florida Power & Light Company (FPL) filed a petition for approval of a residential load management research project and tariffs. FPL's existing On Call program is a Commission-approved residential load management program, the expenses of which are recovered through the Energy Conservation Cost Recovery Clause. The proposed research project would test the effect that lower monetary credits and different marketing strategies would have on participation in the On Call program. FPL also seeks a waiver of Rule 25-6.0438(4)(c), Florida Administrative Code, or in the alternative, a ruling that the rule does not apply. This rule requires that when a utility proposes a change to any of its non-firm services, it must provide written notice to each affected customer. It is necessary that sufficient time be allowed to adequately review the petition and additional information provided by FPL.

Pursuant to Section 366.06(3), Florida Statutes, the Commission may withhold consent to the operation of all or any

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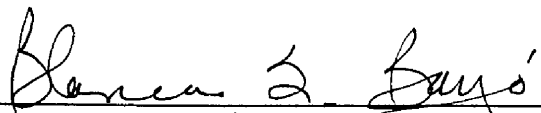
portion of a new rate schedule if it delivers to the utility, within 60 days, a reason or written statement of good cause for doing so. We find that the proposed tariff should be suspended to allow staff the opportunity to request more supporting data, and additional time to evaluate the petition. We find that this constitutes good cause, consistent with the requirements of Section 366.06(3), Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Power & Light Company's proposed new tariff for its Residential On Call research project is suspended. It is further

ORDERED that this docket remain open pending a final decision on the petition.

By ORDER of the Florida Public Service Commission this 27th day of June, 2001.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

DDH

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.