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February 10, 2006

VIA HAND DELIVERY

Ms. Blanca S. Bayó, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
Betty Easley Conference Center
2540 Shumard Oak Boulevard, Room 110
Tallahassee, FL 32399-0850

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06 FEB 10 AM 10:31
COMMISSION
CLERK

Re: Docket No. 050152-EI
In re: Proposed Revisions to Rule 25-6.049, F.A.C., Measuring Customer Service


Dear Ms. Bayó:

Enclosed for filing on behalf of Florida Power & Light Company, Progress Energy Florida, Gulf Power Company and Tampa Electric Company (collectively the "IOUs") are the original and fifteen copies of the IOUs' Post-Workshop COmments.


Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me. Please contact me if you have questions regarding this filing.

Thank you for your assistance with this filing.

Sincerely,


Kenneth A. Hoffman

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February 10, 2006

Marlene K. Stern, Esq.
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 050152-EU
In re: Proposed Revisions to Rule 25-6.049, F.A.C., Measuring Customer Service

Dear Ms. Stern:

These post-workshop comments are submitted on behalf of Florida Power & Light Company, Progress Energy Florida, Gulf Power Company and Tampa Electric Company (collectively the "IOUs").

As you are well aware, this rulemaking was opened at the Commission's direction to minimize what had been an increasing number of petitions for rule waivers filed by resort condominiums or similar facilities who wished to initially install or convert to master metering. The Commission Staff and the IOUs have expended considerable time and resources in these various proceedings as well as in the rule development process. The IOUs' basic position is that the proposed amendments to Rule 25-6.049 attached to the Notice of Proposed Rule Development issued November 21, 2005, continue to reflect an excellent work product that will achieve the Commission's goal of reducing rule waiver petitions and ensuring that individual metering, and the conservation incentive that comes with it, remains intact unless a condominium satisfies the proposed criteria.

The IOUs also believe that a few additional points were raised at the workshop that merit consideration for a final proposed rule.

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Marlene K. Stern, Esq.
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With that backdrop, the IOUs offer the following recommendations:

(1) The proposed rule as reflected in the November 21, 2005 Notice of Proposed Rule Development should be proposed for adoption, with a few minor additional changes as outlined below. Before discussing suggested changes, we reiterate our support of subsection (g)1. of the proposed rule which sets forth the following criterion for a condominium to be master metered:

1. The declaration of condominium requires that at least 95% of the units are used solely for overnight occupancy as defined in subparagraph (8)(b) of the rule....

This criterion was the subject of the bulk of Mr. Mazo's comments at the workshop. Mr. Mazo, in his appearances before the Commission, has argued for as low as 50% and seemed to settle on a number of 80% at the workshop. The Staff should not revise this part of the proposed rule. The IOUs maintain that the Staff appropriately developed a percentage figure predicated on the hard data of the facilities that have sought rule waivers, which, according to the data, average approximately 3.5% permanent occupancy units. While this criterion would reflect significant progress in reducing rule waiver petitions, the Staff should be mindful that no rule guarantees the elimination of a potential petition for rule waiver in the future. Further, the IOUs would remind the Staff that this proposed criterion would treat resort condominiums similar to other transient facilities under the rule, all of which, including time shares, typically have or require 100% transient occupancy.

We are also mindful that at the workshop, Mr. Mazo offered a copy of a letter from an attorney offering an interpretation of a purported SEC letter ruling and Mr. Mazo attempted to explain the potential impact on this proposed rule. I have requested a copy of the purported SEC letter ruling from the attorney who signed the letter distributed by Mr. Mazo and that attorney failed to reply to my request. My understanding is that Staff also requested a copy of the purported SEC letter ruling from Mr. Mazo who failed to respond. Given the lack of response and failure to cooperate, the IOUs cannot formulate any type of substantive response and would hope that there would be no further consideration of this argument.

(2) During the workshop, Progress Energy Florida suggested adding language to subsections (6)(a) and (c), which states as follows:

“However, the utility has no duty or obligation to conduct such inspections, and may do so at its sole discretion.”

Marlene K. Stern, Esq.

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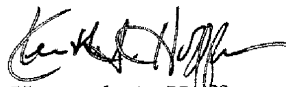
February 10, 2006

The IOUs support this proposed addition to subsection (6)(a) and (c) of the Rule as we believe it provides clarifying language that a utility has the right but not the obligation to conduct the inspections of the condominiums discussed in these subsections of the Rule.

(3) Finally, the IOUs suggest that it may be appropriate to add language to the proposed rule that would require an owner or a developer of a condominium facility eligible for master metering to also wire the facility for individual metering in the event the facility, at some future date, is no longer eligible for master metering.

On behalf of the IOUs, we appreciate the opportunity to submit these post-workshop comments.

Sincerely,



Kenneth A. Hoffman

KAH/rl

cc: Jim Beasley, Esq.
John Burnett, Esq.
Russell Badders, Esq.
Mr. Bill Feaster
Mr. Paul Lewis
Mr. Wilbur J. Stiles