

MESSER CAPARELLO & SELF, P.A.

Attorneys At Law

www.lawfla.com

ORIGINAL

May 4, 2007

BY HAND DELIVERY

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

RECEIVED 11:00
07 MAY -4 PM 4:02
COMMISSION
CLERK
070300-ET

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Public Utilities Company are an original and 15 copies of Florida Public Utilities Company's Petition for Variance from Rule 25-6.0342(2), Florida Administrative Code.

Please acknowledge receipt of this letter by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely yours,

Norman H. Horton, Jr.
Norman H. Horton, Jr.

NHH/amb
Enclosures
cc: Lorena Holley, Esq.
Joint Administrative Procedures Committee
Ms. Cheryl M. Martin

- JMP _____
- COM 5
- CTR _____
- ECR (circled)
- GCI 1
- OPC _____
- ROA _____
- SCR _____
- SGA _____
- SEC _____
- OTH _____

DOCUMENT NUMBER-DATE
03782 MAY -4 07
FPSC-COMMISSION CLERK

RECEIVED & FILED
R.V.N.
BEAU OF RECORDS

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Public Utilities Company)
for variance from Rule 25-06.0342(2), Florida)
Administrative Code)

Docket No. 070300-EI
Date Filed: May 4, 2007

PETITION FOR VARIANCE FROM RULE
25-06.0342(2), FLORIDA ADMINISTRATIVE CODE

COMES NOW, Florida Public Utilities Company ("FPUC" or "Company") through its undersigned and requests a variance from the requirements of Rule 25-06.0342(2), Florida Administrative Code and as basis would state:

1. The name and address of the principal business office of the Petitioner is:

Florida Public Utilities Company
401 South Dixie Highway
West Palm Beach, FL 33401

2. The name and address of the persons authorized to receive notices and communications with respect to this Petition are as follows:

Ms. Cheryl Martin
Controller
Florida Public Utilities Company
Post Office Box 3395
West Palm Beach, FL 33402-3395

Norman H. Horton, Jr.,
Messer, Caparello & Self, P. A.
2618 Centennial Place (32308)
Post Office Box 15579
Tallahassee, FL 32317
Telephone – (850) 222-0720
Fax – (850) 224-4359

3. Florida Public Utilities Company requests a variance from the requirements of Rule 25-06.0342, Electric Infrastructure Storm Hardening, requiring storm hardening plans to be filed no later than 90 days after the effective date of the rule (May 7, 2007).

4. Rule 25-06.0342, adopted by Order No. PSC-07-0043-FOF-EU, January 16, 2007, and filed with the Department of State, January 12, 2007, implements Sections 366.04(2)(c), (5) and (6) and 366.05(1), Florida Statutes.

5. The action requested is a variance from the requirement to file storm hardening plans no later than 90 days after the effective date for the reasons given herein.

6. On May 31, 2006, in response to the requirements of Order No. PSC-06-0351-PAA-EI, issued in Docket No. 060198-EI, FPUC filed plans and implementation costs for ten identified ongoing initiative associated with storm preparedness. Those plans, response and information were reviewed by Commission Staff and accepted by the Commission as reflected in Order No. PSC-06-0781-PAA-EI issued September 19, 2006.

7. In its response, FPUC again noted that the cost of each initiative and financial impact to FPUC, and its customers, would be substantial. To reduce the financial hardship, FPUC suggested approval of a mechanism to allow recovery of the costs of the initiatives or if this was not acceptable, temporary deferral.

8. On September 20, 2006, FPUC filed a Petition with the Commission requesting approval of the recovery of the costs associated with implementing the plans. Accompanying the petition were the following:

- a. Exhibit CMM-1 (Storm Cost Recovery Surcharge Calculation)
- b. Exhibit CMM-2 (Summary of Incremental Costs)
- c. Exhibit CMM-3 (Summary of Incremental Revenue Requirements)
- d. Exhibit CMM-4 (Consolidated Electric Revenue Deficiency)
- e. Testimony by Cheryl Martin

f. Testimony by Mark Cutshaw

On October 27, 2006, FPUC filed an Amended Petition, requesting that the Commission grant the requested relief pursuant to Section 366.076, Florida Statutes, which permits the Commission to conduct limited proceedings. With the Amended Petition, the Company provided an additional exhibit reflecting the base rate increases by rate schedule.

9. The Office of Public Counsel (“OPC”) intervened in this docket, and additional information and schedules were provided to OPC and Staff in response to discovery.

10. The Commission has not yet acted on the Petition filed by FPUC but held customer meetings in the Company’s service areas May 1 and 2, to allow customers to provide comments on the proposal.

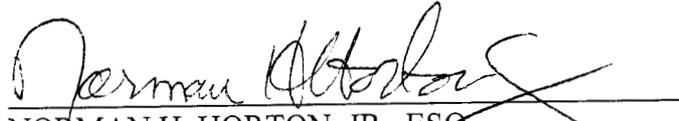
11. Although FPUC has provided plans, information and data to the Staff, under the circumstances, the Company requests a variance of the May 7, 2007, filing date to allow additional 60 days to provide additional plans and details. This would allow time for a decision on the pending petition and reaction to that action.

12. The requested variance is for additional time to provide a response to the Commission. FPUC has continued to maintain and improve its system through regular operations and has provided information to the Commission Staff on its storm initiatives as requested.

For the reasons cited, FPUC requests a variance from Rule 25-06.0342(2), Florida Administrative Code, which would allow an additional sixty (60) days to file the additional plans required.

Dated this 4th day of May, 2007.

MESSER, CAPARELLO & SELF, P.A.
2618 Centennial Place (32308)
Post Office Box 15579
Tallahassee, FL 32317
(850) 222-0720


NORMAN H. HORTON, JR., ESQ.

Attorneys for Florida Public Utilities Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by Hand Delivery (*) and/or U. S. Mail this 4th day of May, 2007 upon the following:

Lorena Holley, Esq.*
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Joint Administrative Procedures Committee*
Room 120, Holland Building
600 S. Calhoun Street
Tallahassee, FL 32399-1300


NORMAN H. HORTON, JR.