

State of Florida



**Public Service Commission**  
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TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION CLERK

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** June 7, 2007

**TO:** Office of Commission Clerk (Cole)

**FROM:** Division of Economic Regulation (Sickel, Kummer) *CSK*  
Office of the General Counsel (Fleming) *KEF* *RT* *195*

**RE:** Docket No. 070350-EG – Petition for approval of residential load control program by Florida Power & Light Company.

**AGENDA:** 06/19/07 – Regular Agenda – Tariff Suspension - Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Administrative

**CRITICAL DATES:** 07/30/07 (60-Day Suspension Date)

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\ECR\WP\070350.RCM.DOC

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**Case Background**

The Commission approved closure to new customers of Florida Power & Light's (FPL) residential load management tariff, On-Call, and approved implementation of a new Residential Load Control Pilot Project (Pilot) by Order No. PSC-03-0322-TRF-EG,<sup>1</sup> issued March 6, 2003 in Docket No. 030051-EG. The Residential Load Control Pilot Project was set to expire April 1, 2006. Order No. PSC-06-034-PCO-EG,<sup>2</sup> issued April 24, 2006, extended the Pilot until August 31, 2007 in order to allow FPL to analyze the data from the Pilot. That Order also required FPL to file its analysis and projections for the Pilot with the Commission no later than June 1, 2007.

<sup>1</sup> Docket No. 030051-EG, Petition for modification Residential On-Call Program and Approval of residential load control pilot project by Florida Power & Light

<sup>2</sup> Docket No. 060174-EG, Petition for extension of Residential Load Control Pilot by Florida Power & Light

DOCUMENT NUMBER-DATE

04587 JUN-7 5

FPSC-COMMISSION CLERK

Docket No. 070350-EG

Date: June 7, 2007

By petition dated May 31, 2007, FPL presents that analysis and requests that the Pilot be approved as a permanent program. The purpose of this recommendation is to suspend the tariff. The Commission has jurisdiction pursuant to Sections 366.04 and 366.05, Florida Statutes.

**Discussion of Issues**

**Issue 1:** Should the tariffs making the Residential Load Control Pilot Project a permanent program be suspended?

**Recommendation:** Yes. Staff needs additional time to analyze the information on the performance of the Pilot before making a recommendation on permanent adoption. (KUMMER, SICKEL)

**Staff Analysis:** Staff requires additional time to review the data submitted by FPL to justify permanent adoption of the Pilot program. While some level of detail on the performance of the Pilot is presented in the petition, it will likely requires addition discussion and analysis, prior to bringing a recommendation back on permanent adoption of the tariff as proposed. Section 366.06(3), Florida Statutes, allows the Commission to suspend a tariff for good cause, and staff believes that good cause has been shown here.

**Issue 2:** Should this docket be closed?

**Recommendation:** No. The docket should remain open pending final analysis of the pilot program. (FLEMING)

**Staff Analysis:** Once all relevant information is collected and analyzed, staff will bring a recommendation back to the Commission for a vote on whether to make the Pilot a permanent program. Therefore, the docket should remain open.