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STATE OF FLORIDA



OFFICE OF THE GENERAL COUNSEL  
S. CURTIS KISER  
GENERAL COUNSEL  
(850) 413-6199

Public Service Commission

August 1, 2013

Kenneth J. Plante, Coordinator  
Joint Administrative Procedures Committee  
Room 680, Pepper Building  
111 W. Madison Street  
Tallahassee, FL 32399-1400

Via Hand-Delivery

RECEIVED-FPSC  
2013 AUG - 1 PM 1:24  
COMMISSION  
CLERK

Re: Docket No. 130168-EU; Rule 25-17.006. F.A.C., Electric Utility System  
Conservation End Use Data

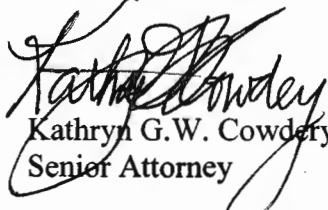
Dear Mr. Plante:

Enclosed are the following materials concerning the above referenced proposed rule:

1. A copy of the proposed rule.
2. A copy of the F.A.R. notice.
3. A statement of facts and circumstances justifying the proposed rule.
4. A federal standards statement.
5. Statement of Estimated Regulatory Costs for the rule.

If there are any questions with respect to these rules, please do not hesitate to call me at 413-6216.

Sincerely,

  
Kathryn G.W. Cowdery  
Senior Attorney

RECEIVED  
2013 AUG - 1 AM 11:44  
JOINT ADMINISTRATIVE  
PROCEDURES COMMITTEE

Enclosures

cc: Office of Commission Clerk

1 ~~25-17.006 Electric Utility System Conservation End Use Data.~~

2 (1) ~~PURPOSE: The purpose of this rule is to provide for the periodic submission of certain~~  
3 ~~conservation information and other related information to the Commission. Applications of~~  
4 ~~this rule include:~~

5 (a) ~~Gathering information to review and revise conservation goals pursuant to Rule 25-~~  
6 ~~17.0021, F.A.C.;~~

7 (b) ~~Gathering information to estimate the potential kilowatt hour (KWH) and kilowatt demand~~  
8 ~~(KW) savings achievable through various conservation measures and conservation~~  
9 ~~technologies; and~~

10 (c) ~~Gathering information to enable the Commission to analyze conservation alternatives to~~  
11 ~~mitigate the need to construct new power plants in Florida.~~

12 (2) ~~APPLICABILITY: This rule shall apply to all electric utilities that fall under the definition~~  
13 ~~of "utility" in Section 366.82(1), F.S.~~

14 (3) ~~SURVEY YEAR: In order to accomplish the purpose of this rule, starting with calendar~~  
15 ~~year 1998 and every four years thereafter, 1,350 residential customer accounts throughout~~  
16 ~~Florida shall be surveyed to collect information on appliance stock, housing characteristics,~~  
17 ~~household demographic characteristics, and twelve months of kilowatt hour billing history.~~

18 (4) ~~METHODOLOGY: For the purposes of obtaining the data described in subsection (3),~~  
19 ~~each utility shall interview its proportionate share of residential customers to yield a total of~~  
20 ~~1,350 usable, complete observations for the state.~~

21 (a) ~~By November 1st prior to the survey year each utility shall provide to the Director of the~~  
22 ~~Division of Economic Regulation its total number of residential customers of record as of June~~  
23 ~~30th prior to the survey year.~~

24 (b) ~~By January 15 of the survey year the Director of the Division of Economic Regulation~~  
25 ~~shall allocate the number of customer accounts for which each utility must conduct a field~~

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 ~~interview based on the information submitted pursuant to paragraph (4)(a).~~  
2 ~~(5) By January 15th of the survey year, the Commission shall prescribe the survey instrument~~  
3 ~~each utility must use to gather the information on appliance stocks, housing characteristics,~~  
4 ~~household demographic characteristics, and twelve months of KWH billing history. Nothing~~  
5 ~~in this paragraph shall be construed to prohibit an electric utility from adding additional~~  
6 ~~questions to its own survey.~~  
7 ~~(6) Each utility shall draw a random sample of residential customers who meet the following~~  
8 ~~requirements:~~  
9 ~~(a) Customers must be customers of record as of July 1st of the survey year.~~  
10 ~~(b) Customers must have been continuously billed during each month of the 12-month period~~  
11 ~~starting July 1st of the year prior to the survey year.~~  
12 ~~(c) Seasonal customers billed in accordance with paragraph (6)(b) may be counted toward the~~  
13 ~~required number of sample customers.~~  
14 ~~(d) Each utility shall make at least four attempts to arrange a survey interview with each~~  
15 ~~customer drawn from its random sample of customer accounts. Each utility must make~~  
16 ~~attempts to arrange survey interviews during evenings and weekends. Evening and weekend~~  
17 ~~field interviews shall be conducted for those customers normally not available during~~  
18 ~~weekdays from 8:00 a.m. to 5:00 p.m. Only after four attempts to arrange an interview have~~  
19 ~~been made shall another customer be drawn at random from the utility's list of customers.~~  
20 ~~(7) RESULTS: Each utility shall report the survey information and billing history on each~~  
21 ~~individual respondent to the Commission on or before December 1st of the calendar year in~~  
22 ~~which the survey is conducted. This information shall be reported such that no individual~~  
23 ~~customer's identity can be determined. The information reporting format shall be prescribed~~  
24 ~~by the Director of the Division of Economic Regulation prior to April 1st of the survey year.~~  
25 ~~The medium for reporting the information shall be a three and one half inch computer diskette~~

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1 ~~using an ASCII delimited database structure unless another medium is approved in writing by~~  
2 ~~the Director of the Division of Economic Regulation.~~

3 ~~Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1), 366.82 FS.~~

4 ~~History New 6-14-82, Amended 1-20-85, Formerly 25-17.06, Amended 9-7-87, 5-10-93, 3-7-~~  
5 ~~94, 3-17-98, Repealed \_\_\_\_\_.~~

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CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions from existing law.

## Notice of Proposed Rule

### **PUBLIC SERVICE COMMISSION**

RULE NO.: RULE TITLE:

25-17.006 Electric Utility System Conservation End Use Data

**PURPOSE AND EFFECT:** The purpose of the proposed repeal is to eliminate duplicative submission of conservation information by the utilities which are available to the Commission through other sources. Repeal of the rule should result in reduced administrative costs to the utilities associated with reporting this duplicative information, and therefore reduced costs passed on to utilities' customers which may include small businesses, small counties and cities, and state and local governments.

Docket No. 130168-EU

**SUMMARY:** The purpose of Rule 25-17.006, F.A.C., is to provide for the periodic collection of data on the characteristics of the residential housing inventory in Florida. The information was designed to be used in establishing energy conservation goals. Repeal of the rule is sought because the rule requires submission of information that is duplicative of information available to the Commission from other sources, including the Commission's demand-side management goal-setting process, the utilities' periodic customer surveys, residential customer on-site and on-line audits conducted by the utilities, and governmental sources.

### **SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The SERC examined the factors required by Section 120.541(2)(c), F.S., and concluded that the rule repeal will not have an adverse impact on economic growth, business competitiveness, or small business and that there would likely be transactional cost savings to the individual and entities, including government entities, required to comply with the rule.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**RULEMAKING AUTHORITY:** 350.127(2), 366.05(1) FS.

**LAW IMPLEMENTED:** 366.05(1), 366.82 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, [kcowdery@psc.state.fl.us](mailto:kcowdery@psc.state.fl.us)

**THE FULL TEXT OF THE PROPOSED RULE IS:**

25-17.006 Electric Utility System Conservation End Use Data.

*Rulemaking Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1), 366.82 FS. History—New 6-14-82, Amended 1-20-85, Formerly 25-17.06, Amended 9-7-87, 5-10-93, 3-7-94, 3-17-98, Repealed.*

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Shevie B. Brown

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Florida Public Service Commission

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** July 30, 2013

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** Volume 39, Number 99, May 21, 2013

STATEMENT OF FACTS AND CIRCUMSTANCES  
JUSTIFYING RULES

The purpose of Rule 25-17.006, F.A.C., is to provide for the periodic collection of data on the characteristics of the residential housing inventory in Florida. The information was designed to be used in establishing energy conservation goals. The purpose of the repeal is to eliminate duplicative submission of conservation information by the utilities. The rule is being repealed because it has become obsolete by requiring information which is duplicative of data available to the Commission through other sources, including the Commission's Section 366.82(3)F.S., demand-side management goal-setting process, the utilities' periodic customer surveys, residential customer on-site and on-line audits conducted by the utilities, and governmental sources. Repeal of Rule 25-17.006, F.A.C., would enhance reporting efficiencies regarding the submission of conservation information and would provide economic savings for utilities and customers by eliminating duplicative reporting requirements.

STATEMENT ON FEDERAL STANDARDS

There are no federal standards pertaining to these rules.



State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

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**DATE:** June 19, 2013  
**TO:** Kathryn G.W. Cowdery, Senior Attorney, Office of the General Counsel  
**FROM:** C. Donald Rome, Jr., Public Utility Analyst I, Division of Economics *CRK* *AD*  
**RE:** Statement of Estimated Regulatory Costs for Proposed Repeal of Rule 25-17.006, Florida Administrative Code (F.A.C.), Electric Utility System Conservation End Use Data

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The purpose of existing Rule 25-17.006, F.A.C., is to provide for the periodic collection of data on the characteristics of the residential housing inventory in Florida. The information was designed to be used in establishing energy conservation goals. The Rule requires that beginning with calendar year 1998, and every four years thereafter, a total of 1,350 residential customer accounts throughout Florida be surveyed to collect information on appliance stock, housing characteristics, household demographic characteristics, and twelve months of kilowatt-hour billing history. By January 15 of the survey year, the Commission allocates a portion of the 1,350 residential customers to each of the six utilities subject to the Rule. The number of customers per utility depends on the size of the utility's customer base. The results of the survey are due to the Commission on or before December 1<sup>st</sup> of the year in which the survey is conducted.

The purpose of the proposed repeal is to eliminate duplicative submission of conservation information by utilities. Subsequent to the adoption of the Rule, the Legislature amended Section 366.82(3), Florida Statutes (F.S.), of the Florida Energy Efficiency and Conservation Act. Pursuant to Section 366.82(3), F.S., the Commission is required to evaluate the full technical potential of all available demand-side and supply-side conservation and efficiency measures including demand-side renewable energy systems. This efficiency measure information is provided to the Commission as part of the demand-side management (DSM) goal setting process through the participating utilities' Technical Potential Studies. As such, some of the information required by the Electrical Utility System Conservation End Use Data Rule is similar to the information the Commission receives during the DSM goal-setting process. Furthermore, additional information pertaining to demographics, housing size, and income levels can be obtained from sources other than the utility survey currently required by Rule 25-17.006.

As a result of the Rule repeal, the Commission and the six affected utilities should achieve a cost savings by not having to collect, file, and evaluate duplicative information. A Statement of Estimated Regulatory Costs (SERC) is attached.

cc: (Brown, Harlow, Draper, Daniel, Shafer, Dean, Cibula, SERC file)

FLORIDA PUBLIC SERVICE COMMISSION  
STATEMENT OF ESTIMATED REGULATORY COSTS  
Section 25-17.006, F.A.C.

1. Will the proposed rule have an adverse impact on small business?  
[120.541(1)(b), F.S.] (See Section E., below, for definition of small business.)

Yes

No

If the answer to Question 1 is "yes", see comments in Section E.

2. Is the proposed rule likely to directly or indirectly increase regulatory costs in excess of \$200,000 in aggregate in this state within 1 year after implementation of the rule? [120.541(1)(b), F.S.]

Yes

No

If the answer to either question above is "yes", a Statement of Estimated Regulatory Costs (SERC) must be prepared. The SERC shall include an economic analysis showing:

A. Whether the rule directly or indirectly:

(1) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule?  
[120.541(2)(a)1, F.S.]

Economic growth Yes  No

Private-sector job creation or employment Yes  No

Private-sector investment Yes  No

(2) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule?  
[120.541(2)(a)2, F.S.]

Business competitiveness (including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets) Yes  No

Productivity Yes  No

Innovation Yes  No



(3) Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule? [120.541(2)(a)3, F.S.]

Yes

No

Economic Analysis: Both the Commission and the affected parties would benefit from the repeal of the rule. Please refer to attached memorandum to Counsel.

B. A good faith estimate of: [120.541(2)(b), F.S.]

(1) The number of individuals and entities likely to be required to comply with the rule.

Six.

(2) A general description of the types of individuals likely to be affected by the rule.

The six entities that would benefit from no longer having to comply with the rule's requirements are comprised of investor-owned and municipal electric utilities.

C. A good faith estimate of: [120.541(2)(c), F.S.]

(1) The cost to the Commission to implement and enforce the rule.

None. To be done with the current workload and existing staff.

Minimal. Provide a brief explanation.

Other. Provide an explanation for estimate and methodology used.

(2) The cost to any other state and local government entity to implement and enforce the rule.

None. The rule will only affect the Commission.

Minimal. Provide a brief explanation.

Other. Provide an explanation for estimate and methodology used.

(3) Any anticipated effect on state or local revenues.

- None
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

D. A good faith estimate of the transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rule. "Transactional costs" include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used, procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring or reporting, and any other costs necessary to comply with the rule.  
[120.541(2)(d), F.S.]

- None. The rule will only affect the Commission
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

If the rule is repealed, the affected entities should achieve cost savings by not having to collect and file duplicative information.

E. An analysis of the impact on small businesses, and small counties and small cities:  
[120.541(2)(e), F.S.]

(1) "Small business" is defined by Section 288.703, F.S., as an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

- No adverse impact on small business.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

(2) A "Small City" is defined by Section 120.52, F.S., as any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census. A "small county" is defined by Section 120.52, F.S., as any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

- No impact on small cities or small counties
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

F. Any additional information that the Commission determines may be useful.  
[120.541(2)(f), F.S.]

- None.

Additional Information:

G. A description of any regulatory alternatives submitted and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule. [120.541(2)(g), F.S.]

- No regulatory alternatives were submitted.
- A regulatory alternative was received from
  - Adopted in its entirety.
  - Rejected. Describe what alternative was rejected and provide a statement of the reason for rejecting that alternative.