

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Repeal of Rule 25-17.004,)
 Goals for natural gas utilities.)
 _____)

DOCKET NO. 860185-GU
 ORDER NO. 22759
 ISSUED: 4-2-90

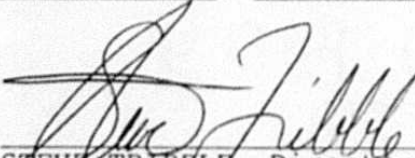
NOTICE OF REPEAL OF RULE

NOTICE is hereby given that the Commission, pursuant to Section 120.54, Florida Statutes, has repealed Rule 25-17.004, Florida Administrative Code, relating to conservation goals for natural gas utilities without change.

The rule repeal was filed with the Secretary of State on March 15, 1990 and will be effective on April 2, 1990. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this notice.

This docket is closed upon issuance of this notice.

By Direction of the Florida Public Service Commission,
 this 2nd day of APRIL, 1990.



 STEVE TRIBBLE, Director
 Division of Records and Reporting

(S E A L)
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DOCUMENT NUMBER-DATE
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CERTIFICATION OF
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

- (1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and
- (2) There is no administrative determination under section 120.54(4), F.S., pending on any rule covered by this certification; and
- (3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and:
- (a) And are filed not more than 90 days after the notice; or
- (b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or
- (c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or
- (d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or
- (e) Are filed within 21 days after the date the transcript was received by this agency.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

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Rule 25-17.004
Docket No. 860185-GU

SUMMARY OF RULE

Rule 25-17.002, Florida Administrative Code, was originally enacted in 1980 to implement the Florida Energy Efficiency and Conservation Act (FEECA), Chapters 366.81-.85 and 403.519, Florida Statutes. Goals in the rule are designed to reduce oil dependency in the state, to decrease loss of natural gas by specific actions, to increase the efficiency of the use of natural gas, to increase utilities' involvement in federal regulation, and to perform a specified number of energy audits. The goals of the rule set performance targets to be reached throughout the 1980's. Activism in federal regulation and leak prevention activities do not have target dates, but these are activities of a well-managed gas utility and need not be in rule form.

The goals expressed in existing Rule 25-17.001, Florida Administrative Code, echo those expressed in this rule. This fact combined with the reasons expressed above, justify the repeal of this rule.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The methodology prescribed in the current rule sets numerical targets for the 1980's only. Future conservation goals for natural gas utilities cannot be determined under the rule as it now exists. This rule should be repealed and conservation goals consistent with the goals expressed in existing Rule 25-17.001, Florida Administrative Code, should be adopted.

SUMMARY OF HEARINGS ON THE RULE

No protest was filed therefore, no hearings were held in the rule proceeding.

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<u>Rule No.</u>	<u>Specific Rulemaking Authority</u>	<u>Law Being Implemented, Interpreted or Made Specific</u>
25-17.002	§§ 366.05(1); 366.82(1)-(4), F.S.	§ 366.82(1)-(4), F.S.
25-17.004	§§ 366.05(1); 366.82(1)-(4), F.S.	§ 366.82(1)-(4), F.S.

Under the provisions of paragraph 120.54(13)(a), F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: April 2, 1990
(month) (day) (year)

Kay Flynn for

STEVE TRIBBLE, Director
Division of Records and Reporting

Number of Pages Certified

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may recover the actual expenses incurred by providing audits from those commercial or industrial customers requesting such audits.

(7) In lieu of the performance of energy audits as stated above, each utility may perform energy audits as follows:

By January 1, 1982, the overall annual rate for energy audits shall be 150,000; by January 1, 1984, the overall rate shall be 250,000. Each electric utility shall determine the portion of these goals applicable to it by January 1, 1982, by multiplying the number of residential customers on its system who consumed over 9,000 KWH during 1979 by 142,012 and dividing the result by the total number of such customers in the state; and by January 1, 1984, use the same formula but multiply by 236,672.

Specific Authority 366.05(1), 366.82(1)-(4) FS. Law Implemented 366.82(1)-(4) FS. History—New 12-2-80, Amended 1-19-82, 12-30-82, Formerly 25-17.02.

and KWH consumption goals may be constructed to the extent cost effective.

(7) The Commission shall set goals and approve programs and program modifications for each utility by order on the general basis of Rules 25-17.001 through 17.005, taking the particular facts and circumstances applicable to each utility into account.

Specific Authority 366.05(1), 366.82(1)-(4) FS. Law Implemented 366.82(1)-(4) FS. History—New 12-2-80, Amended 1-19-82, 12-30-82, Formerly 25-17.02.

25-17.003 Energy Audits; Related Provisions.

(1) Purpose: This rule specifies the minimum requirements for performing energy audits by each utility subject to the requirements of this rule.

(2) Applicability: This rule applies to each utility as defined in § 366.82(1), F. S.

(3) Definitions:
(a) "Alternative (Walk-Through) Audit" means an energy audit as defined in Chapter 25-17.051(8), F. A. C.

(b) "Commercial Audit" means an energy analysis of a commercial building and its associated energy systems to determine its energy efficiency and to identify for the customer those cost effective measures which may improve its energy efficiency.

(c) "Energy Conservation Audit" means an energy audit as defined in Chapter 25-17.051(6), F. A. C.

(d) "Industrial Audit" means an energy analysis of an industrial facility and its associated energy systems to determine its energy efficiency and to identify for the customer those cost effective measures which may improve its energy efficiency.

(4) Each utility shall notify its residential, commercial, and industrial customers of the availability of energy audits at least once every six months. Notification of audit availability, at a minimum, must be made by use of notices in billing statements or other means that involves direct notification to the customer. The announcement of the Residential Conservation Audits as required in Chapter 25-17.053(3)(c) can count as one of the biannual notifications for the residential customers.

(5) For each customer requesting either an Energy Conservation Audit or an Alternative Audit, each utility shall provide the requested audit to the customer in accordance with the provisions of Chapter 25-17.051 through 25-17.065, F. A. C.

(6) For each customer requesting either a Commercial Audit or an Industrial Audit, each utility shall provide or arrange to provide the requested audit to the customer within 120 days of the date the customer makes the request. The utility

25-17.004 Goals for Natural Gas Utilities.

(1) Natural gas and electric utility systems shall promote the use of natural gas as a substitute for oil or oil derived energy where to do so is cost effective within Florida. The annual increase in the number of high priority end users should be at least 2% by January 1, 1983 and 3% by December 31, 1985. By 1989, natural gas utilities should have enough high priority end users to absorb any gas which becomes available as a result of the Fuel Use Act, as amended.

(2) Natural gas utilities shall pursue aggressively those steps at the federal level that will result in more gas becoming deliverable to Florida customers of all classes in order to displace oil.

(3) Natural gas utilities shall increase their leak detection, cathodic protection and similar maintenance programs to such an extent that unaccounted-for gas does not exceed 1 1/2%.

(4) The residential conservation service audit and other consumer programs shall have the goal of reducing average residential customer usage of natural gas for space and water heating by 26% from 1980 usage levels by 1985 for those customers implementing cost effective conservation measures.

(5) Customer response to audits shall be 7,988 by January 1, 1982 and 13,328 by January 1, 1984 with goals computed using the same methodology as required for electric utilities by 25-17.003(7) for customers whose usage exceeds 400 therms in the base years. The audit programs shall concentrate on the largest usage customers as first priority.

Specific Authority 366.05(1), 366.82(1)-(4) FS. Law Implemented 366.82(1)-(4) FS. History—New 12-2-80, Amended 12-30-82, Formerly 25-17.04.

25-17.005 Evaluation of Electric Utility Conservation Efforts.

(1) This rule defines terminology, establishes reporting requirements and describes the method used to determine whether an electric utility has met its conservation goals; and it establishes reporting requirements to enable the Commission to monitor