

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Peoples Gas	)	DOCKET NO. 900409-EG
System, Inc., for Modification of	)	ORDER NO. 23148
Conservation Cost Recovery	)	ISSUED: 7-5-90
Methodology.	)	
	)	

The following Commissioners participated in the disposition of this matter:

- MICHAEL McK. WILSON, Chairman
- BETTY EASLEY
- GERALD L. GUNTER
- FRANK MESSERSMITH

NOTICE OF PROPOSED AGENCY ACTION

ORDER DENYING PETITION

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On May 7, 1990, Peoples Gas System, Inc. (Peoples or utility) filed a petition with this Commission alleging that serious inequities exist in the method that natural gas utilities have used to recover Energy Conservation Cost Recovery (ECCR) charges since 1981. They further allege that the method results in disproportionate ECCR charges being recovered from the various customer classes.

We have reviewed the petition and have determined that it would appropriate for the Commission to consider the issue presented by the petition in a generic docket such as the Energy Conservation Cost Recovery, Docket No. 900002-EG where all natural gas utilities and interested persons could

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participate. Any change in the methodology for recovery of the conservation cost should be uniform through out the natural gas industry. We are therefore denying Peoples Gas petition.

Therefore in consideration of the foregoing it is

ORDERED by the Florida Public Service Commission that the petition filed by Peoples Gas to modify its conservation recovery methodology is denied.

ORDERED that this docket be closed should no protest, petition for formal proceeding or notice of appeal be timely filed.

By ORDER of the Florida Public Service Commission, this 5th day of JULY, 1990.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

by: Kay Helton  
Chief, Bureau of Records

(7400L)MRC:bmi

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by

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this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on July 26, 1990.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.