

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Minimum Filing Requirement )	DOCKET NO. 910075-EI
Report of Florida Public Utilities )	ORDER NO. 24175
Company (Fernandina Beach Electric )	ISSUED: 2-27-91
Division) in Compliance with )	
366.06(3). )	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
 J. TERRY DEASON  
 BETTY EASLEY  
 GERALD L. GUNTER  
 MICHAEL MCK. WILSON

NOTICE OF PROPOSED AGENCY ACTION  
ORDER CLOSING DOCKET

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.

During the sunset review of the Public Service Commission, the Florida Legislature enacted Section 366.06(3)(a), Florida Statutes, which requires that each public utility with total annual sales in excess of 1 million megawatt-hours file a report every 4 years, or 4 years from the most recently completed rate case of the utility. All other public electric utilities are required to file on a 5 year basis. This report must contain, at a minimum, the modified minimum filing requirements (MMFR) then required by this Commission, by rule, for rate proceedings held pursuant to this section. Each public utility shall serve a copy of this report on the Public Counsel and on each party to its most recent rate case concurrently with its filing with this Commission. Within 10 days of the receipt of this report, this Commission shall make copies available to the public at no more than the actual cost of reproducing the report.

Section 366.06(3)(b), Florida Statutes, requires that the Commission implement this reporting procedure for all public utilities within 18 months of the effective date of the act, October 1, 1989. Approximately one-third of the public utilities are required to file each 6 months after the effective date. In determining the order of filing of the particular utilities, this Commission shall consider the time interval since each utility's last rate case.

DOCUMENT NUMBER-DATE

01956 FEB 27 1991

FPSC-RECORDS/REPORTING

ORDER NO. 24175  
DOCKET NO. 910075-EI  
PAGE 2

Because there are six public electric utilities, two are required to file during each 6 month period, beginning October 1, 1989. The six utilities, and the date of their last rate case orders are as follows:

Florida Power & Light Company	7/24/84
Gulf Power Company	1/25/85
Tampa Electric Company	12/13/85
Florida Power Corporation	1/04/88
Florida Public Utilities Company	
Marianna Division (FPUC-M)	7/12/89
Fernandina Beach Division (FPUC-FB)	11/27/89

This Commission issued Order No. 22224 on November 27, 1989, for Docket No. 881056-EI - Petition of Florida Public Utilities Company for Rate Increase in Fernandina Beach Division. In Order No. 22224, this Commission determined an appropriate rate increase for Florida Public Utilities Company's Fernandina Beach Electric Division (FPUC-FB) based on data for the 12 months ended September 30 for the years 1988, 1989, and 1990.

This Commission's deliberations and final actions in this rate case took place within the initial 18 month implementation period set forth in Section 366.06(3)(b), Florida Statutes. We find that this Commission's review of FPUC-FB during its last rate case satisfies both the spirit and intent of the newly enacted statute. We also note that the Office of Public Counsel was the only intervenor. Therefore, we find that FPUC-FB should not be required to file any MMFRs during this reporting period.

Also, we find that if no protests are filed within the specified protest period, this docket shall be closed.

It is, therefore,

ORDERED by the Florida Public Service Commission that Florida Public Utilities Company's Fernandina Beach Electric Division shall not be required to file the modified minimum filing requirement report required by Section 366.06(3), Florida Statutes, during the third 6 month period beginning October 1, 1989, pursuant to Section 366.06(3)(b). It is further

ORDERED that if no petition for a formal proceeding is timely filed, this docket shall be closed. It is further

ORDER NO. 24175  
 DOCKET NO. 910075-EI  
 PAGE 3

ORDERED that this Order shall become final unless an appropriate petition for a formal proceeding is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

By ORDER of the Florida Public Service Commission, this 27th day of February, 1991.

\_\_\_\_\_  
 STEVE TRIBBLE, Director  
 Division of Records and Reporting

( S E A L )

MAP/MAB:bmi  
 FPUCFB.mab

by: Key J. Lynn  
 Chief, Bureau of Records

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 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 March 20, 1991.

ORDER NO. 24175  
DOCKET NO. 910075-EI  
PAGE 4

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.

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.