

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Gulf Power)
 Company for Authority to Make a)
 Refund to an Individual Customer)
 _____)

DOCKET NO. 910051-EI
 ORDER NO. 24237
 ISSUED: 3/13/91

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTIONORDER DENYING REFUND

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.

Gulf Power Company (Gulf) has petitioned this Commission for permission to refund a portion of the company's rates and charges billed to and collected from a Supplemental Energy Optional Rider customer. The Supplemental Energy Optional Rider (SE) is applicable to any customer taking service under rate schedules LP, LPT, PX or PXT. The SE rider provides that during specified periods of time, of a minimum of 24 hours in duration designated by the utility as Supplemental Energy Periods (SEPs), measured KW demands are not counted for billing purposes for the on-peak demand charge on a time-of-use rate or the standard nontime-of-use demand charge. The measured demand during SE periods do count for billing purposes for a maximum demand charge for distribution system costs.

DOCUMENT NUMBER-DATE

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On September 10, 1990, Gulf notified its SE rider customers that the SEP in effect would end at 2:00 p.m. that day. The customer for whom Gulf is petitioning this Commission for authority to make a refund erred in writing down the hour the SEP was to end. The customer inadvertently wrote 3:00 p.m. instead of 2:00 p.m., as the time the SEP would end. Because of this error, the customer did not take the steps it usually undertakes to reduce its demand on Gulf's system to its normal level during non-SEP periods until 3:00 p.m. on this day. The result of this error was a nonrecurring non-SE demand of 2601 KW during this hour to which the on-peak demand charge of \$7.21 per KW applies. The net effect of this error on the customer's bill is \$18,661; if the error had not occurred, the bill would have been \$68,705.

Utilities must charge customers according to the terms and conditions, including the rates charges, in their rate schedules to ensure that all customers are nondiscriminately charged. If this customer is allowed a refund, we find that the purpose behind tariffs would be defeated. SE customers are large, sophisticated consumers who should have a highly reliable system for responding to the rate schedule pricing. When this customer decided to enjoy the benefits of the SE rider, it also accepted risks that if it did not comply additional costs would be incurred. Accordingly, we deny Gulf's request to issue a refund to this customer.

Finally, we find that this docket should be closed if no protest or notice of appeal is timely filed.

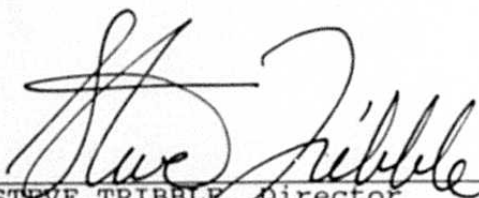
It is, therefore,

ORDERED by the Florida Public Service Commission that Gulf Power Company's request to refund a Supplemental Energy Optional Rider customer due to the customer's inadvertent error is hereby denied. It is further

ORDERED that this Order shall become final and this docket shall be closed 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.

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By ORDER of the Florida Public Service Commission, this 13th
day of MARCH, 1991.


STEVE TRIBBLE, Director
Division of Records and Reporting

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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 April 3, 1991.

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.

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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.