

BY THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Amendment of)	Docket No. 910274-EG
Conservation Planning and Demand)	Order No. 24535
Side Management Plan by the City)	Issued: 5/15/91
of Lakeland)	
)	

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 APPROVING AMENDMENT TO CONSERVATION PLAN

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 February 13, 1990, the City of Lakeland (Lakeland) submitted its conservation plan in response to Order No. 22176, issued November 11, 1989. Lakeland's conservation plan consisted of 18 programs, including a new load management program. The previous load management program controlled only the load of residential water heating equipment. The new program controlled the load of residential water heating equipment along with central heat and air conditioning equipment. In addition, the new program converted the control strategy from power-line carrier to radio control. We approved Lakeland's conservation plan in Order No. 23551, issued October 2, 1990, and consummated it by Order No. 23674, issued October 25, 1990.

On March 4, 1991, Lakeland filed a request to amend its conservation plan by expanding its load management program to require new residential customers to incorporate direct load control at minimum control levels. This request was in response to an ordinance enacted by the Lakeland City Commission which requires all new residential customers to incorporate direct load control at minimum control levels. The Lakeland City Commission's decision to expand the load management program was the result of a discussion of electric impact fees. These fees were presented as a method to lessen rate impact associated with the installation of new generating capacity as the system grows.

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After discussion with area developers and members of the building community, the Lakeland City Commission proposed load management for new residential construction as an alternative to other methods of conservation. As part of the program, new residential construction will be wired for load control. Participants will receive credits under Lakeland's Rate Schedule RSX-3, which has been submitted to us for approval.

We find that Lakeland's amendment to its conservation plan passes our cost effectiveness tests. Accordingly, we approve Lakeland's amendment to its conservation plan.

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

It is, therefore,

ORDERED by the Florida Public Service Commission that the City of Lakeland's amendment to its conservation plan, filed March 4, 1991, Document No. 2124-91, is hereby approved. 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.

By ORDER of the Florida Public Service Commission, this
15th day of MAY, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

by: Kay Sloman
Chief, Bureau of Records

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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 June 05, 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.

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.