

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Power)
& Light Company for approval of)
interruptible rates.)

DOCKET NO. 881106-EI
ORDER NO. 25341
ISSUED: 11/13/91

The following Commissioners participated in the disposition of this matter:

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

ORDER DENYING APPROVAL OF TARIFF

BY THE COMMISSION:

Florida Power & Light Company (FPL) filed an interim interruptible service tariff on May 23, 1988 in accordance with Commission Order No. 19448 in Docket No. 871029-EQ. The interim tariff was approved administratively on May 26, 1988. An interim maximum subscription level of Interruptible Service was set at 250 MW within the language of the tariff.

Order No. 19448 also required FPL to file permanent interruptible rates within 120 days of the order. At the time Order No. 19448 was issued, Docket No. 870197-EI determining methodologies and targets for interruptible loads was expected to be at or very near completion by the expiration of the 120 day deadline for filing permanent tariffs. This was not to be the case. Proposed permanent interruptible tariffs were filed August 22, 1988, in compliance with the 120 day deadline and were taken to the October 22, 1988 Agenda. Staff recommended that we deny the proposed tariffs as filed for two reasons:

1. The interim tariff referenced a new, and unapproved, tariff sheet. The referenced tariff sheet, which was to contain targets required by the non-firm rule, was still under consideration in the non-firm docket.
2. Language allowing interruptions without notice had been removed from the permanent tariff.

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We deferred action on these tariffs until the non-firm dockets were completed. In November 1988, methodologies for all companies were approved, and the balance of issues in the non-firm dockets were pending revision of the non-firm rule. Revisions to Rule 25-6.0438 were finally approved in July 1991.

Following the final adoption of revisions to the Rule 25-6.0438, staff again reviewed the proposed permanent interruptible tariff filed by FPL. Staff's objections to the tariff as filed remain: The tariff is invalid as long as it contains a reference to a non-approved tariff sheet; and the removal of the phrase "without notice" in the description of conditions of interruptions is inappropriate and could send incorrect signals to customers.

The utility appears to be in agreement with Staff that the tariff as filed is not appropriate. Therefore, we deny approval of the tariff deferred from the October 22, 1988 Agenda. In addition we will require FPL to submit a permanent interruptible tariff which conforms to our current rules and regulations for such tariffs within sixty days of our issuance of this order.

It is therefore

ORDERED by the Florida Public Service Commission that approval of the proposed permanent interruptible tariffs filed by Florida Power & Light Company on August 22, 1988, is hereby denied. It is further

ORDERED that Florida Power & Light Company shall file with the Division of Records and Reporting of the Florida Public Service Commission a permanent interruptible tariff which conforms to our rules within sixty days of the issuance of this order.

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

 STEVE TRIBBLE, Director
 Division of Records and Reporting

(S E A L)

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by: Kay J. [Signature]
 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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or 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 after the issuance 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.