

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Emergency petition to) DOCKET NO. 921123-EI
modify Florida Power and Light) ORDER NO. PSC-92-1450-FOF-EI
Company's Conservation Window) ISSUED: 12/15/92
Treatment and Residential)
Treatment Programs in Dade County))

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION

ORDER APPROVING FPL'S EMERGENCY PETITION TO MODIFY ITS
CONSERVATION WINDOW TREATMENT AND RESIDENTIAL TREATMENT
PROGRAMS IN DADE COUNTY

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.

In Docket 900091-EI, Order Number 23560, the Commission approved FPL's Residential Ceiling Insulation and Window Treatment Programs on October 2, 1990, and ordered FPL to file with the Commission Staff program participation standards for these programs within 30 days. FPL made the necessary filings which were administratively approved by Staff. Subsequently, FPL filed with the Staff, in March, 1992, revised program participation standards for these two programs which were administratively approved on April 6, 1992. By means of its petition, 921123-EI, FPL seeks to modify these program standards only in Dade County due to the problems which have arisen with Hurricane Andrew.

Due to the massive damage to the homes in Dade County a complete energy audit, which is required under these programs, cannot be completed. FPL has requested an easing of this requirement for Dade County only. In its place, FPL seeks to institute a "Program Qualification Survey" (PQS) in lieu of the energy audit which will be conducted on the premise prior to installation of either the ceiling insulation or the window treatment.

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REGISTRATION/REPORTING

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The PQS will consist of two parts which will be to determine by a visual inspection whether the residence is eligible and then to determine what the specific dollar incentive will be. In both cases, window treatment and ceiling insulation, the residential homes must have installed whole house electric air conditioning. The eligible windows for treatment must be installed as a direct application to shade solely the exposed glass area. In the ceiling insulation program, manufactured homes will be eligible and non-manufactured homes will have to have been built before January 1, 1982. In both cases, do-it-yourself installations will not qualify.

As filed, FPL has not proposed a term during which the Dade County eligibility requirements will be in effect. We believe that a term of two years from the date of this Order is a reasonable period to capture the energy efficiency opportunities during the rebuilding of residences in Dade County. We are concerned that if the eligibility standards are not limited, the potential for abuse by free riders becomes greater over time. If FPL determines that the eligibility requirements need to be extended, it may petition the Commission for an extension.

It is, therefore,

ORDERED by the Florida Public Service Commission that the petition by Florida Power and Light Company for permission to modify the eligibility requirements, for Dade County only, for its Residential Ceiling Insulation and Window Treatment Programs is approved. This petition is approved for a term of two years from the date of this Order. It is further

ORDERED that this Order shall become final and the docket closed unless an appropriate petition for 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 December, 1992.



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 January 5, 1993.

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 wastewater 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.