

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for Approval of) DOCKET NO. 930929-EI
Revision to Interruptible) ORDER NO. PSC-93-1678-FOF-EI
Standby and Supplemental Service) ISSUED: November 18, 1993
Rate Schedule by Florida Power)
and Light Company)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

ORDER SUSPENDING TARIFF

BY THE COMMISSION:

Florida Power and Light Company (FPL) has proposed revising the application of its interruptible standby rate schedule for those customers who have entered into contracts to sell firm capacity or energy to FPL and who cannot restart their generation equipment without power supplied by FPL. FPL wishes to exclude those customers from taking interruptible standby and supplemental service and require that they take firm standby and supplemental service. FPL states that capacity from generation equipment is needed most when FPL is interrupting interruptible service customers. The interruptible load of interruptible service customers is subject to interruption only during emergency conditions or capacity shortages in either the power supply or transmission. The change would ensure that customers would have the power to restart their generators, if the generator is down during an interruption. FPL also states that none of its existing ISST-1 customers would be affected by the proposed revision.

The proposed revision appears reasonable, except that the Federal Energy Regulatory Commission requires that utilities shall provide interruptible backup, maintenance and supplemental service to standby customers in addition to firm standby service. Rule 292.305 (b)(2), Code of Federal Regulations, does provide that a state regulatory authority can waive this requirement for any electric utility over which it has ratemaking authority, if, after notice in the area served by the electric utility, and after opportunity for public comment, the electric utility demonstrates, and the state regulatory authority finds, that compliance with the requirement to provide interruptible service to a qualifying facility will

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- (1) Impair the electric utility's ability to render adequate service to its customers; or
- (2) Place an undue burden on the electric utility.

At this point FPL has not satisfactorily demonstrated that the provision of interruptible standby service will either impair its ability to render adequate service to its customers, or place an undue burden upon it. Therefore, we will suspend the revised rate schedule (Attachment 1) so that FPL will have the opportunity to show that conditions necessary for a waiver of FERC's rule 292.305 (b)(2) exist. We will consider whether to approve or deny the proposed change at our February 1, 1994, Agenda Conference.

FPL intends to notify customers in its service territory of the proposed change through a bill stuffer inserted in its December billing cycle bills. The bill stuffer will inform customers of the date of the Agenda Conference at which we will consider the proposed change, and it will also inform customers that they can present their comments to us at that conference. It is therefore

ORDERED that the revised rate schedule shall be suspended to allow Florida Power and Light Company the opportunity to demonstrate why it should not be required to offer interruptible standby service to certain qualifying facilities. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission this 18th day of November, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)
MCB:bmi

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 this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) 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 wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.