

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 930929-EI
revision to interruptible) ORDER NO. PSC-94-0199-FOF-EI
standby and supplemental service) ISSUED: February 17, 1994
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 APPROVING REVISION TO INTERRUPTIBLE STANDBY
AND SUPPLEMENTAL SERVICE RATE SCHEDULE

BY THE COMMISSION:

Florida Power and Light Company (FPL) has requested our approval of a revision to its interruptible standby rate schedule (Attachment 1) that applies to customers who have entered into contracts to sell firm capacity and/or energy to FPL and who cannot restart their generation equipment without power supplied by FPL. FPL has proposed that those customers would be excluded from taking interruptible standby and supplemental service.

FPL requested the revision because 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 proposed change would ensure that customers would have the power to restart their generators if the generator is down during an interruption. None of FPL's existing ISST-1 customers would be affected by the proposed revision. The proposed revision has also been added to the agreement for taking service on the ISST rate schedule.

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. See Rule 292.305(b)(1), Code of Federal Regulations. Rule 292.305(b)(2) provides, however, 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

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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:

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

The proposed tariff is designed to avoid the potentially serious consequences that may arise when customers take interruptible standby service and also sell firm capacity or energy to FPL, but cannot restart their generation equipment without power supplied by FPL. If a generating customer is allowed to take interruptible standby service and is unable to restart generation equipment and resume delivery of capacity or energy to FPL during an emergency shortfall, FPL's ability to render adequate service to its firm customers may be impaired. According to FPL, the proposed change will virtually assure non-utility generators' deliveries of firm capacity and energy to FPL during capacity shortfall emergencies. FPL also states that the change will facilitate the provision of restart power to non-utility generating facilities that suffer forced outages before or during capacity shortfall emergencies, thereby enabling the facilities to resume contributing capacity and energy to the Florida grid.

FPL has notified customers in its service territory of the proposed change through a bill stuffer. The bill stuffer also informed customers that they would be provided the opportunity to comment on the proposed change at the agenda conference at which we considered it. We considered the proposed change at our February 1, 1994, conference. No customers chose to address the change at that time.

After due consideration, we waive the provisions of Rule 292.305(b)(1), and we approve the proposed rate schedule and agreement change. It is therefore,

ORDERED that Florida Power and Light Company's revision to its Interruptible Standby and Supplemental Service Rate Schedule are approved. It is further

ORDERED that pursuant to the provisions of Rule 292.305(b)(2), Code of Federal Regulations, the provisions of Rule 292.305(b)(1), Code of Federal Regulations, are waived. It is further

ORDERED that this docket should be automatically closed if no person whose substantial interests are affected by the action proposed files a timely petition for a formal proceeding. If a

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protest is timely filed the tariff shall remain in effect pending resolution of the protest.

By ORDER of the Florida Public Service Commission, this 17th day of February, 1994.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)
MCB:bmi

by: Kay Flynn
Chief, Bureau of Records

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 Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), 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 March 10, 1994.

In the absence of such a petition, this order shall become final on the day subsequent to the above date.

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.

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If this Order becomes final 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 date this Order becomes final, 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.