

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Adoption of Numeric)
Conservation Goals and)
Consideration of National Energy)
Policy Act Standards (Section)
111))
CLAY ELECTRIC COOPERATIVE, INC.) DOCKET NO. 930560-EG
LEE COUNTY ELECTRIC COOPERATIVE,) DOCKET NO. 930561-EG
INC.))
SUMTER ELECTRIC COOPERATIVE,) DOCKET NO. 930562-EG
INC.))
TALQUIN ELECTRIC COOPERATIVE,) DOCKET NO. 930563-EG
INC.))
WITHLACOOCHEE RIVER ELECTRIC) DOCKET NO. 930564-EG
COOPERATIVE, INC.))
FLORIDA KEYS ELECTRIC) DOCKET NO. 930922-EG
COOPERATIVE ASSOCIATION, INC.))
))
) ORDER NO. PSC-94-1086-PCO-EG
) ISSUED: September 2, 1994

**ORDER GRANTING MOTION FOR EXTENSION OF TIME AND ELIMINATING
TMPRR FILING REQUIREMENT**

On July 15, 1994, Clay Electric Cooperative, Inc., Lee County Electric Cooperative, Inc., Sumter Electric Cooperative, Inc., Talquin Electric Cooperative, Inc., Withlacoochee River Electric Cooperative, Inc., and Florida Keys Electric Cooperative, Inc., (collectively referred to in this Order as "the utilities") filed a joint Motion For an Extension of Time, Modification of Case Assignment and Scheduling Record and Elimination of the Technical Market Potential Results Report (TMPRR) Filing Requirement in the applicable above-referenced dockets. The motion seeks an extension of time from the currently planned schedule and modification of the Case Assignment and Scheduling Record (CASR) to delay the goals setting process until after April 1, 1995. The utilities also ask that the requirement that each file a Technical Market Potential Results Report (TMPRR) in this proceeding be eliminated. The motion states that the Department of Community Affairs, the only intervenor in this proceeding, has no objection to extending the time for the goals setting process. No party filed a response to the motions.

In their motion, the utilities note that the Commission's decision on the appropriate goals for Florida's investor-owned electric utilities is set for October 3, 1994. This is

DOCUMENT NUMBER-DATE

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FPSC-REGULATORY/REPORTING

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approximately two months later than was expected when the Commission issued Order No. PSC-93-1305-FOF-EG (Order No. 93-1305) on September 8, 1993.

Order No. 93-1305 contemplated that the goals setting process for the municipal and cooperative utilities would be deferred until after the hearing and agenda conference for the four largest investor-owned utilities. At that time, the municipal and cooperative utilities would be provided an abbreviated list of the most cost-effective demand side management measures from the 110 (actually 162) listed in Synergic Resources Corporation's Report No. 7777-78, Electricity Conservation and Energy Efficiency in Florida: Technical, Economic and Achievable Results (the SRC Study). The municipal and cooperative utilities would each be required to file a Technical Market Potential Results Report and a Cost-Effectiveness Goals Results Report (CEGRR). The abbreviated list of programs is instead being provided to the parties as "appendix A" of Order No. PSC-94-1083-PCO-EG, issued this date.

The Case Assignment and Scheduling Record (CASR) is an internal Florida Public Service Commission scheduling, planning, informational and workload control report. It is not an order or other official pronouncement of the Commission. As such, modification of the dates in a CASR is not an appropriate subject for relief by motion. Accordingly, the Request for Modification of Case Assignment and Scheduling Record is denied.

The utilities seek to eliminate the requirement that each file a TMPRR, saying that they would not prepare TMPRR's if it was not required, and that they could prepare the CEGRR's without preparing TMPRR's. No party opposed the request to eliminate the TMPRR's. Having reviewed the request, it is found that it should be granted.

Representatives of the municipal and cooperative electric utilities have stated that there are substantial differences between municipal and cooperative utilities and the investor-owned utilities with respect to: purchased power/power supply arrangements; avoided cost; rate structure; pricing; load characteristics; cost of capital; and other considerations. Thus, evaluating a more abbreviated list of the most cost-effective programs for the IOU's might eliminate many potential viable measures from consideration in these dockets. Delaying the decision on which programs should be evaluated by the municipal and cooperative utilities until after October 3, 1994, would delay the

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entire goals setting process. Delay would not necessarily result in any reduced burden on the utilities nor would it further reduce the list of programs to be evaluated.

The current Case Assignment and Scheduling Record contemplates the filing of the CEGRR on October 20, 1994. On September 2, 1994, the Commission issued Order No. PSC-94-1083-PCO-EG, Order Establishing Procedure (Order No. 94-1083), in these and other related dockets. That Order provides the list of measures to be evaluated by the utilities and specifies the data requirements and the reporting format. The Order establishes the date for filing the CEGRR as December 23, 1994. This is approximately four months from the date of this Order and offers sufficient time to complete the report in the prescribed format. Therefore it is found that the utility's request for an extension of time is granted to require the filing of the CEGRR's consistent with the requirements of Order No. 94-1083 on or before December 23, 1994.

The final hearing in this matter has been rescheduled from February to April of 1995. The elimination of the TMPRR filing and the extension of the CEGRR filing should afford the utilities and other interested parties ample time to provide sufficient information to enable the Commission to establish meaningful conservation goals, consistent with the Commission's statutory responsibilities.

Based on the foregoing, it is

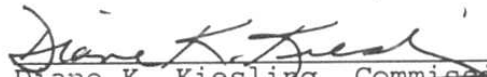
ORDERED that Clay Electric Cooperative, Inc., Lee County Electric Cooperative, Inc., Sumter Electric Cooperative, Inc., Talquin Electric Cooperative, Inc., Withlacoochee River Electric Cooperative, Inc., and Florida Keys Electric Cooperative, Inc.'s, joint motion to eliminate the TMPRR filing requirements is granted. It is further

ORDERED that Clay Electric Cooperative, Inc., Lee County Electric Cooperative, Inc., Sumter Electric Cooperative, Inc., Talquin Electric Cooperative, Inc., Withlacoochee River Electric Cooperative, Inc., and Florida Keys Electric Cooperative, Inc.'s, joint motion for an extension of time is granted to the extent that the utilities CEGRR's shall be filed on or before December 23, 1994, consistent with the requirements of Order No. 94-1083. It is further

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ORDERED that Clay Electric Cooperative, Inc., Lee County Electric Cooperative, Inc., Sumter Electric Cooperative, Inc., Talquin Electric Cooperative, Inc., Withlacoochee River Electric Cooperative, Inc., and Florida Keys Electric Cooperative, Inc.'s, joint motion to modify the Case Assignment and Scheduling Records is denied.

By ORDER of Commissioner Diane K. Kiesling, as Prehearing Officer, this 2nd day of September, 1994.


Diane K. Kiesling, Commissioner
and Prehearing Officer

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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 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.