

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Adoption of Numeric) DOCKET NO. 930552-EG
Conservation Goals and) ORDER NO. PSC-95-0065-S-EG
Consideration of National Energy) ISSUED: January 12, 1995
Policy Act Standards (Section)
111) by Florida Public Utilities)
Company)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
JOE GARCIA
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING AMENDED JOINT STIPULATION

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 substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

This docket was opened to implement Rules 25-17.001-.005, Florida Administrative Code. These rules require the setting of numeric demand side management (DSM) goals for electric utilities subject to the Florida Energy Efficiency and Conservation Act (FEECA), 366.80-366.85 and 403.519, Florida Statutes. A hearing is scheduled for April 10-14, 19-21, and 24-26, 1995 to determine the appropriate numeric DSM goals for Florida Public Utilities Company; as well as for the municipal and cooperative utilities subject to FEECA.

On December 19, 1994, Florida Public Utilities Company and the Florida Department of Community Affairs (DCA) filed an Amended Joint Stipulation to establish conservation goals for FPUC based on a percentage of the goals established by the Commission for Gulf Power Company (Gulf) and the Jacksonville Electric Authority (JEA). A copy of this stipulation is attached to this Order as "Attachment A".

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FPSC-RECORDS/REPORTING

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The joint stipulation proposes goals for FPUC's Marianna division, and states that the goals for FPUC's Fernandina Beach division will be set as a predetermined percentage of the goals to be established for Jacksonville Electric Authority in Docket No. 930554-EG. Specifically, the stipulation states that the goals for FPUC-Fernandina Beach will be three percent of the goals established for JEA.

In calculating the proposed goals for Marianna, FPUC has multiplied by three percent Gulf's goals for the years 1994-2003. FPUC then took these annual amounts and moved them forward to begin in 1996.

These two division goals will then be combined to establish the company goals for FPUC. The proposed goals are comparable on a percent-of-system basis to the goals set by the Commission for Gulf and the other investor-owned utilities in Order No. PSC-94-1313-FOF-EG. Therefore, we find that the Amended Joint Stipulation filed by FPUC and DCA is reasonable and should be approved.

This docket shall remain open pending the establishment of specific goals for JEA and consideration of the National Energy Policy Act Standards (Section 111) for Florida Public Utilities Company.


It is, therefore,

ORDERED that the Amended Joint Stipulation filed by Florida Public Utilities Company and the Florida Department of Community Affairs is hereby approved. It is further

ORDERED that this docket shall remain open pending the establishment of specific goals for JEA and consideration of the National Energy Policy Act Standards (Section 111) for Florida Public Utilities Company.

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By ORDER of the Florida Public Service Commission, this 12th
day of January, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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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, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on February 2, 1995.

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

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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 substantially 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.

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Adoption of Numeric Conservation
Goals and Consideration of National Energy
Policy Act Standards (Section 111)
by FLORIDA PUBLIC UTILITIES COMPANY

Docket No. 930552-EG
Filed: December 15, 1994

AMENDED JOINT STIPULATION

Florida Public Utilities Company ("FPUC") and the Florida Department of Community
Affairs ("DCA") hereby jointly stipulate and agree to the following:

1. The Florida Public Service Commission ("FPSC") is required to establish conservation goals for Florida's FEECA utilities.
2. The FPSC opened Docket Number 930552-EG for the purpose of establishing conservation goals for FPUC; however, FPUC does not admit that it is a FEECA utility subject to the FPSC's goal setting jurisdiction.
3. The DCA is a party to Docket Number 930552-EG, representing the Governor of the State of Florida.
4. The FPSC's staff has stated that the parties to Docket Number 930552-EG can avoid an evidentiary hearing and other procedural matters by stipulating to conservation goals.
5. The DCA and FPUC have agreed that if FPUC is a FEECA utility, as defined by Section 366.82(1), Florida Statutes, its goals should be separately developed and set for each company division as follows:
 - a. Fernandina Beach – (To be established pending FPSC determination of the Jacksonville Electric Authority's goals in Docket No. 930554-EU.)

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FPSC PUBLIC UTILITY REPORTING


b. Marianna

PROPOSED CONSERVATION GOALS						
	Residential			Commercial/Industrial		
	Winter MW	Summer MW	Annual Gulf	Winter MW	Summer MW	Annual Gulf
1996	0	0	0	0	0	0
1997	0	.03	.03	0.30	0.39	0
1998	0	.06	.06	0.30	0.39	0
1999	1.77	1.11	0.36	0.30	0.39	0
2000	3.51	2.16	0.87	0.30	0.39	0
2001	3.63	2.55	1.20	0.33	.045	0
2002	3.75	3.09	1.32	0.33	0.51	0.06
2003	3.87	3.54	1.44	0.33	0.57	0.15
2004	3.99	3.66	1.56	0.33	0.60	0.21
2005	4.11	3.78	1.62	0.33	0.66	0.24

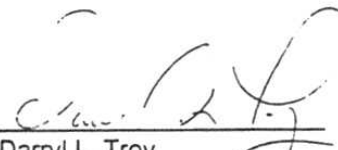
6. The above stated goals will be directly proportioned to the goals set forth by the FPSC for FPUC's wholesale suppliers, which are FEECA utilities.
7. The goals for FPUC's Marianna Division are 3% of the goals established for Gulf Power Company in Docket Number 930550-EG, as those goals may be modified in accordance with the Motion for Reconsideration of Commission Order No. PSC-94-1313-FOF-EG filed by the Legal Environmental Assistance Foundation, Inc. , and Deborah B. Evans on November 9, 1994.
8. The goals for FPUC's Fernandina Beach Division are 3% of the goals that will be established for the Jacksonville Electric Authority in Docket Number 930554-EG.
9. If the goals stipulated to herein are approved by the FPSC, FPUC will design programs to offer to customers of its Marianna Division. The programs will not be necessarily limited to but may give strong consideration to programs that the FPSC approves for Gulf Power Company to offer its customers.

10. If the goals stipulated to herein are approved by the FPSC, FPUC will design programs to offer to customers of its Fernandina Beach Division. The programs will not necessarily be limited to but may give strong consideration to programs that the FPSC approves for the Jacksonville Electric Authority to offer its customers.
11. If the goals stipulated to herein are approved by the FPSC, FPUC will work directly with the DCA to design FPSC approved cost-effective programs that promote energy efficiency for low income housing and programs that promote energy efficiency for new construction and offer such cost-effective programs to its customers.

Respectfully submitted,


for David J. Russ, Esquire
Assistant General Counsel
Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399-2100

12/19/94
Date


Darryl L. Troy
Vice President
Florida Public Utilities Company
P.O. Box 3395
West Palm Beach, Florida 33402-3395

12/16/94
Date