

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to Initiate) DOCKET NO. 960623-EI
Rulemaking to Amend Rule 25-) ORDER NO. PSC-96-0913-FOF-EI
6.078, F.A.C., Schedule of) ISSUED: July 16, 1996
Charges, and Rule 25-6.082,)
F.A.C., Records and Reports, by)
Florida Power & Light Company,)
Florida Power Corporation, Tampa)
Electric Company and Gulf Power)
Company.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER GRANTING PETITION TO INITIATE RULEMAKING

BY THE COMMISSION:

On May 17, 1996, Florida Power & Light Company, Florida Power Corporation, Tampa Electric Company, and Gulf Power Company filed a petition to initiate rulemaking to amend Rule 25-6.078, Florida Administrative Code, entitled "Schedule of Charges," and Rule 25-6.082, Florida Administrative Code, entitled "Records and Reports." Rule 25-6.078 requires electric utilities to annually update and file an Estimated Average Cost Differential for underground and overhead distribution systems. The utilities must also file detailed supporting data and study results, based on the most recent 12 month period, used to determine the differential. Rule 25-6.082(1) refers to the annual reporting requirements of Rule 25-6.078.

The petitioners seek to change the filing frequency required by Rule 25-6.078 to every three years. They assert that the annual filing is not necessary given the relatively minor changes that occur in costs from year to year. The historical data on cost differentials, however, shows no clear pattern that would dictate changing to a three-year filing schedule. In the last several years, costs have changed due to technical innovations which make new construction practices feasible for both overhead and

DOCUMENT NUMBER-DATE

07393 JUL 16 96

FPSC-RECORDS/REPORTING

ORDER NO. PSC-96-0913-FOF-EI
DOCKET NO. 960623-EI
PAGE 2

underground installations. We also recently approved a change in the low density residential subdivision design used to derive the cost differentials for 1995. We do not have enough knowledge about the impact of potential changes in this area to determine if costs are sufficiently stable to merit a longer filing interval.

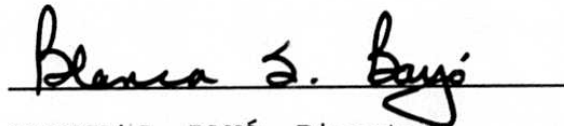
We grant the petition to initiate rulemaking, however, we decline to propose the suggested amendments at this time. Additional information must be gathered and a workshop conducted before we can determine whether our rules should be changed. Based on that information, we will determine whether to propose rule amendments.

It is, therefore,

ORDERED that the petition to initiate rulemaking to amend Rules 25-6.078 and 25-6.082, Florida Administrative Code, is granted as set forth above. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission, this 16th day of July, 1996.

A handwritten signature in black ink, reading "Blanca S. Bayó", is written over a horizontal line.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)
CTM

ORDER NO. PSC-96-0913-FOF-EI
DOCKET NO. 960623-EI
PAGE 3

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.