

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Tampa
Electric Company for approval of
a Building Energy-Efficiency
Rating System (BERS) Tariff.

DOCKET NO. 980423-EI
ORDER NO. PSC-98-0684-FOF-EI
ISSUED: May 18, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

ORDER APPROVING BUILDING ENERGY-EFFICIENCY
RATING SYSTEM AUDIT TARIFF

BY THE COMMISSION:

In 1993, the Florida Legislature passed the Florida Building Energy-Efficiency Rating Act, which is codified as Sections 553.990-553.998, Florida Statutes. The purpose of the act is to provide for a statewide uniform system for rating the energy efficiency of buildings and to ensure that these ratings are disclosed to prospective purchasers at their request. The statute instructs the Department of Community Affairs to adopt, update, and maintain a statewide uniform building energy-efficiency rating system (BERS). On July 1, 1994, the Department of Community Affairs adopted Rules 9B-60.001 - 9B-60.007, Florida Administrative Code, in order to implement the BERS system passed by the Florida Legislature.

Rule 25-17.003(3), Florida Administrative Code, requires all utilities to offer BERS audits to eligible residential customers. A BERS Audit is an energy efficiency analysis that may be performed, upon customer request, on new or existing single family residences.

On March 24, 1998, Tampa Electric Company (TECO) filed a petition for approval of a BERS audit tariff. We find that TECO's proposed terms and charges for this audit are reasonable. We note

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that the proposed charges are similar to the charges in Florida Power & Light Company, Florida Power Corporation, and Gulf Power Company's previously approved BERS audit tariffs. According to TECO, it will perform BERS audits in compliance with Section 553.995, Florida Statutes, and Rules 9B-60.004(3) and (4) and 9B-60.005, Florida Administrative Code, as required by Commission Rule 25-17.003, Florida Administrative Code. For these reasons, we approve TECO's BERS audit tariff. This tariff is effective as of April 28, 1998, the date of our vote of approval, so customers can immediately begin to utilize the new tariff.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Tampa Electric Company's Building Energy-Efficiency Rating System Audit Tariff is approved. It is further

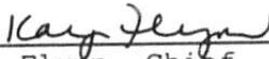
ORDERED that the tariff is effective as of April 28, 1998, the date of our vote of approval. It is further

ORDERED that if a protest is filed in accordance with the requirement set forth below in the Notice of Further Proceedings, the tariff shall remain in effect with any increase in revenues held subject to refund pending resolution of the protest. It is further

ORDERED that if no protest is filed in accordance with the requirements set forth below, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 18th day of May, 1998.

BLANCA S. BAYÓ, Director
Division of Records and Reporting



Kay Flynn, Chief
Bureau of Records

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 8, 1998.

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.

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.