

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for authority to
modify Commercial/Industrial
Service Rider Pilot Study by
Gulf Power Company.

DOCKET NO. 001217-EI
ORDER NO. PSC-00-2118-PCO-EI
ISSUED: November 7, 2000

The following Commissioners participated in the disposition of
this matter:

J. TERRY DEASON, Chairman
E. LEON JACOBS, JR.
LILA A. JABER
BRAULIO L. BAEZ

ORDER SUSPENDING TARIFF

BY THE COMMISSION:

On September 24, 1996, we approved Gulf Power Company's (Gulf) petition to implement its Commercial/Industrial Service Rider (CISR) tariff. See Order No. PSC-96-1219-FOF-EI, Order Approving Commercial/Industrial Service Rider Tariff and Pilot Study Implementation Plan for Gulf Power Company. The tariff allows Gulf to enter into negotiated Contract Service Agreements (CSA) with commercial/industrial customers. The CISR tariff was approved on an experimental basis. The tariff includes a sunset provision which closes the CISR to further subscription when one of the following conditions has occurred: (1) The total capacity subject to the tariff reaches 200 megawatts; (2) Gulf has executed twelve contracts; and (3) 48 months have passed from the initial effective date. Gulf has currently executed two CSA's. Pursuant to the last provision, Gulf's authority to offer the rider expired on September 3, 2000.

On August 21, 2000, Gulf filed a petition to modify the CISR tariff by removing the 48-month sunset provision. Gulf does not propose to modify the two remaining conditions. Suspension of the proposed tariff revisions does not affect the terms and conditions of the two existing CSA's.

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When approving the CISR, we expressed concern regarding Gulf's proposed determination of customer-specific incremental cost and Gulf's proposed assessment of whether a customer is "at-risk" of leaving Gulf's system (see Order No. PSC-96-1219-FOF-EI). We believe since the CISR tariff was approved on an experimental basis, it is appropriate at this time to perform a review of Gulf's negotiated CSA's.


Pursuant to Section 366.06(3), Florida Statutes, the Commission may withhold consent to the operation of all or any portion of a new rate schedule, delivering to the utility requesting such increase, within 60 days, a reason or written statement of good cause for doing so. We find that the proposed tariff revision should be suspended to conduct additional discovery regarding the issues raised above, and we believe that this is good cause, consistent with the requirement of Section 366.06(3), Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Gulf Power Company's proposed revisions to its Commercial/Industrial Service Rider tariff shall be suspended, pending additional discovery. It is further

ORDERED that this docket shall remain open until the proposed tariff is approved or denied.

By ORDER of the Florida Public Service Commission this 7th Day of November, 2000.



BIANCA S. BAYÓ, Director
Division of Records and Reporting

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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.

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 25-22.0376, 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.