

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of
Rule 25-6.043, F.A.C., Investor-
Owned Electric Utility Minimum
Filing Requirements; Commission
Designee, and Rule 25-6.0435,
F.A.C., Interim Rate Relief.

DOCKET NO. 031029-EI
ORDER NO. PSC-04-0082-FOF-EI
ISSUED: January 26, 2004

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

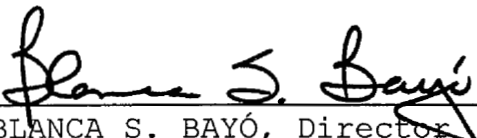
NOTICE OF ADOPTION OF RULE AMENDMENT

NOTICE is hereby given that the Florida Public Service
Commission, pursuant to Section 120.54, Florida Statutes, has
adopted the amendments to Rules 25-6.043 and 25-6.0435, Florida
Administrative Code, relating to investor-owned electric utility
minimum filing requirements; Commission designee and interim rate
relief without changes.

The rule amendments were filed with the Department of State on
January 23, 2004 and will be effective on February 12, 2004. A
copy of the rule as filed with the Department is attached to this
Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission, this 26th
day of January, 2004.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

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FPSC-COMMISSION CLERK

25-6.043 Investor-Owned Electric Utility Minimum Filing Requirements; Commission Designee.

(1) General Filing Instructions

(a) The petition under Section 366.06 and Section 366.071, F.S. Florida Statutes, for adjustment of rates must include or be accompanied by:

1. The information required by Commission Form PSC/ECR/011-E ~~EAG/11~~ (/) ~~(3/90)~~, entitled "Minimum Filing Requirements for Investor-Owned Electric Utilities" which is incorporated into this rule by reference. The form may be obtained from the Commission's Division of Economic Regulation.
2. The exact name of the applicant and the address of the applicant's principal place of business.
3. Copies of prepared direct testimony and exhibits for each witness testifying on behalf of the Company.

(b) In compiling the required schedules, a company shall follow the policies, procedures and guidelines prescribed by the Commission in relevant rules and in the company's last rate case or in a more recent rate case involving a comparable utility. These

schedules shall be identified appropriately (e.g., Schedule B-1 would be designated Company Schedule B-1 - Company basis).

(c) Each schedule shall be cross-referenced to identify related schedules as either supporting schedules ~~and/or~~ recap schedules.

(d) Each page of the filing shall be numbered on 8 1/2 x 11-inch paper. Each witness' prefiled testimony and exhibits shall be on numbered pages and all exhibits shall be attached to the proponent's testimony.

(e) Except for handwritten official company records, all data in the petition, testimony, exhibits and minimum filing requirements shall be typed.

(f) Each schedule shall indicate the name of the witness responsible for its presentation.

(g) All schedules involving investment data shall be completed on an average investment basis. Unless a specific schedule requests otherwise, average is defined as the average of ~~thirteen~~ (13) monthly balances.

(h) Twenty-one ~~(21)~~ copies of the filing, consisting of the petition and its supporting attachments, testimony, and exhibits,

shall be filed with the Division of the Commission Clerk and Administrative Services.

(i) Whenever the company proposes any corrections, updates or other changes to the originally filed data, ~~twenty-one (21)~~ copies shall be filed with the Division of the Commission Clerk and Administrative Services with copies also served on all parties at the same time.

(2) Commission Designee: The Director of the Division of Economic Regulation shall be the designee of the Commission for purposes of determining whether the utility has met the minimum filing requirements imposed by this rule. In making this determination, the Director shall consider whether information that would have been provided in a particular schedule required by this rule has been provided to the same degree of detail in another required schedule that the utility incorporates by reference.

Specific Authority: 366.05(1), (2), 366.06(3), F.S.

Law Implemented: 366.06(1), (2), (3), (4), 366.04(2)(f), 366.071, F.S.

History--New 05/27/81, formerly 25-6.43, Amended 07/05/90, 01/31/00,_____.

25-6.0435 Interim Rate Relief.

(1) Each electric utility petitioning for interim rate relief pursuant to s. 366.071, F.S., shall file the data required ~~by in Schedules 2 through 14, 17, and 23, in Rule 25-6.043(1)(a).~~ In addition, ~~a schedule shall be submitted calculating the interim relief in accordance with s. 366.07, F.S., and allocation factors by functional group approved in the company's last rate case.~~

(2)(a) The requested interim increase in base rate revenues shall be divided by interim test year base rate revenues to derive a percentage increase factor. The percentage increase factor shall be applied uniformly to all existing base rates and charges to derive the interim base rates and charges. ~~Interim rates shall apply across the board based on base rate revenues for the test period less embedded fuel revenue by rate schedule. The resulting dollar amount shall be divided by base rate revenues per rate schedule to determine the percent increase applied to each rate schedule.~~

~~(b) In determining the interim increase, the following data shall be provided: KWH sales; base rate revenue less base fuel revenue; base fuel revenues; total base rate revenue; fuel adjustment revenue; total revenue. The interim increase shall be~~

~~shown by dollar amount and percentage by rate schedule in the following manner:~~

- ~~I. Requested Interim Amount Across the board~~
~~base rate revenue less = percentage constant~~
~~base fuel revenue~~
- ~~II. Percentage x base rate revenue less = Dollar increase~~
~~Constant base fuel revenue to rate schedule~~
- ~~III. Dollar Increase = Percent increase applied~~
~~total base rate revenue to rate schedule~~

(3) Interim rate relief collected is subject to refund pending final order in the permanent rate relief request. Such increase shall be subject to a corporate undertaking or under bond as authorized by the Commission and any refund shall be made with an interest factor determined by using the 30-day commercial paper rate for high-grade, unsecured notes, sold through dealers by major corporations in multiples of \$1,000 as regularly published in the Wall Street Journal. The annual rate as published on the first day of the current business month would be added to the rate as published on the first day of the subsequent business month and halved to obtain the simple average rate to be applied in that month. This rate of interest would be applied to the refund amount

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for that month. The amount of interest calculated would be added to the beginning balance of the following month so as to accomplish the compounding of the interest feature of the refund provision.

Specific Authority: 366.05(1), F.S.

Law Implemented: 366.04(2)(f), 366.06, 366.071, F.S.

History: New 5/27/81, formerly 25-6.435, Amended.