

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Proposed revision to waive certain connection charges during times of natural disaster by Florida Power & Light Company.

DOCKET NO. 040914-EI

In re: Petition for approval of tariff revision allowing waiver of service charges for customers affected by natural disasters by Progress Energy Florida, Inc.

DOCKET NO. 040915-EI

In re: Petition for expedited approval of tariff revisions to allow waiver of service charges for customers whose electric service has been affected by natural disasters or other declared emergencies, by Tampa Electric Company.

DOCKET NO. 040958-EI
ORDER NO. PSC-04-0985-TRF-EI
ISSUED: October 11, 2004

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING WAIVER OF CONNECTION AND
SERVICE CHARGES DURING NATURAL DISASTERS

BY THE COMMISSION:

Florida Power & Light Company (FPL), Progress Energy Florida, Inc. (PEF), and Tampa Electric Company (TECO) filed petitions seeking tariff revisions in response to the devastation caused by Hurricane Charley. As set out below, we approve the tariff revisions that allow the utilities to waive certain connection and other charges. We have jurisdiction pursuant to Sections 366.03, 366.04, 366.05 and 366.06, Florida Statutes.

FPL's Request

On August 19, 2004, FPL filed a request to amend the Service Charges section in its Tariff Sheet No. 4.020. Under the proposed tariff revisions, FPL can waive certain connection charges for customers affected by natural disasters or during periods of declared emergencies. In an attempt to implement the revisions as soon as possible, FPL had initially sought administrative approval of the tariff changes. In a letter dated August 20, 2004, our staff notified FPL that it has not been delegated the authority to approve such a change administratively. The

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letter indicated that staff would schedule the proposed revision for consideration by the Commission at its September 7, 2004, Agenda Conference, and that in the meantime, staff would not seek enforcement of FPL's existing Service Charge tariff. Because the September 21 Agenda Conference was cancelled due to Hurricane Frances, we considered FPL's revision at our September 21, 2004, Agenda Conference.

Currently FPL's tariff allows it to waive, at its discretion, the Reconnection, Returned Payment, Late Payment and Field Collection charges for customers affected by natural disasters or during periods of declared emergencies. The Reconnection charge applies to customers who have their service reconnected following disconnection for non-payment or rule violations. The Returned Payment charge is applied when a customer's payment is dishonored by the bank upon which it is drawn. The Late Payment charge is assessed on past due balances.

FPL is proposing to expand its discretionary waiver to cases of natural disaster so that charges for Connection of an Existing Account and Initial Connection are included. The connection charge waiver for existing accounts will assist those customers whose homes are damaged to the extent that they are not habitable for some period of time. Absent the waiver, such customers would be required to pay the charge when they returned to their repaired homes and requested that electric service be resumed.

The initial connection charge is assessed when customers move into a home and request service. By allowing waiver of this charge, customers whose homes are no longer habitable and who relocate to premises anywhere in FPL's territory will not be required to pay a charge for establishment of their electric service.

For the reasons set forth above, we approve the proposed tariff revisions. We find that these revisions will allow FPL to provide relief to those customers who have been affected by Hurricane Charley, as well as customers who may be affected by future natural disasters.

PEF's Request

On August 20, 2004, PEF petitioned the Commission to amend the Service Charges section in its Tariff Sheet No. 6.110. The proposed tariff revisions would allow PEF to waive certain service charges for customers affected by natural disasters or other declared emergencies. The petition requested that we expedite the disposition of the petition. PEF also stated that it intends, in the interim, to withhold the application of service charges that would be subject to waiver under the proposed tariff revision.

Currently, PEF's tariff does not provide any discretion in the application of its service charges. If approved, the proposed tariff revision grants PEF the discretion to waive its service charges for those customers whose premises have been significantly damaged by natural disasters or other similar declared emergencies.

The charges that can be waived pursuant to the proposed tariff revision include the Initial Connection charge, the Connection of Existing Premises charge, the Reconnection after Disconnection for Non-payment or Rule Violation charge, and the Late Payment charge. PEF states that the revised tariff language will be used primarily to waive the initial connection and connection of existing service charges for customers whose premises were damaged.

For the reasons set forth above, we approve the proposed tariff revisions. We find that the revisions will allow PEF to provide relief to those customers who have been affected by Hurricane Charley, as well as customers who may be affected by future natural disasters.

TECO's Requests

On August 25, 2004, TECO also filed a petition to amend the Service Charges section in its Tariff Sheet No. 3.030. The proposed tariff revision would allow TECO to waive certain service charges for customers affected by natural disasters or other declared emergencies. In addition, TECO requested that we expedite the disposition of the petition.

Currently, TECO's tariff does not allow any discretion in the application of its service charges. The proposed tariff revision would grant TECO the discretion to waive its service charges for those customers whose premises have been significantly damaged by natural disasters or other similar declared emergencies.

The charges that can be waived pursuant to the proposed tariff revision include the initial connection charge, the connection of existing account charge, the reconnection after disconnection for non-payment or rule violation charge, and the late payment charge.

For the reasons set forth above, we approve the proposed tariff revisions. We find that the revisions will allow TECO to provide relief to those customers who have been affected by Hurricane Charley, as well as customers who may be affected by future natural disasters.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the tariff revisions filed by Florida Power & Light Company, Progress Energy Florida, Inc., and Tampa Electric Company as discussed above are approved. It is further

ORDERED that this Order approving these tariff revisions shall become final upon issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the

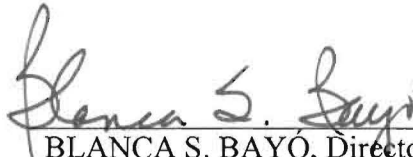
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Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32399-0850, by the close of the business on the day set forth in the Notice of Further Proceedings attached hereto. It is further

ORDERED that the tariff revisions for Florida Power & Light Company, Progress Energy Florida, Inc., and Tampa Electric Company shall become effective on September 21, 2004. If a protest is filed within 21 days of the issuance of this order, the tariffs shall remain in effect pending resolution of the protest. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 11th day of October, 2004.



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

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NOTICE OF FURTHER PROCEEDINGS

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.

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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 proposed action files a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 1, 2004.

In the absence of such a petition, this Order shall become final and effective upon the issuance of a Consummating Order.

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.