

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Approval of initial electric tariffs for City
of Winter Park Electric Utility.

DOCKET NO. 050321-EM
ORDER NO. PSC-05-0637-TRF-EM
ISSUED: June 13, 2005

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING INITIAL ELECTRIC TARIFFS

BY THE COMMISSION:

The City of Winter Park (City) has filed original tariffs to begin service as a municipal electric utility on June 1, 2005. We have jurisdiction pursuant to Section 366.05, Florida Statutes. As explained below, we approve the tariffs as filed, effective June 1, 2005. They fully comply with Parts IV and V of Chapter 25-9, Florida Administrative Code.

Pursuant to a court-ordered arbitration award issued July 18, 2003, the City purchased the retail electric distribution system of Progress Energy Florida, Inc. (PEF) in the city. By Order No. PSC-05-0453-PAA-EI, issued April 28, 2005, in Docket No. 050117-EI, In Re: Petition to relieve Progress Energy Florida, Inc. of the statutory obligation to provide electrical service to certain customers within the City of Winter Park, pursuant to Section 366.03 and 366.04, F.S., we relieved PEF of its obligation to provide service to retail customers there, and the City began operation of its own municipal utility as planned on June 1, 2005.

Sections 366.04(2), 366.04(6) and 366.082, Florida Statutes, prescribe our regulation of municipal utilities. Parts IV and V of Chapter 25-9, Florida Administrative Code describe our requirements for filing and changing tariffs. The City has complied with these requirements. The rates, terms, and conditions filed for provision of service to city residents mirror the corresponding tariffs on file for PEF. The City chose to adopt the existing PEF rates for a three-year period until it can conduct its own load research and cost studies. Since PEF's rates were approved by the Commission, it is reasonable to determine that the rates are appropriate with respect to rate structure. Also, the City has indicated that it intends to comply with all Commission statutory and rule requirements. The new utility has been entered into our Master Commission Directory and assigned utility code EM 885. It is therefore,

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ORDERED by the Florida Public Service Commission that the initial tariffs filed by the City of Winter Park for its new municipal electric utility are approved, effective June 1, 2005. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 13th day of June, 2005.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

MCB

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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services 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 after the issuance of this order, 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.