

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Request to exclude April 11-12, 2004  
and June 13, 24, and 26, 2004 outage events  
from annual distribution service reliability  
report by Tampa Electric Company.

DOCKET NO. 041375-EI  
ORDER NO. PSC-05-0740-PAA-EI  
ISSUED: July 12, 2005

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER GRANTING REQUEST TO EXCLUDE OUTAGE EVENTS FROM  
ANNUAL DISTRIBUTION SERVICE RELIABILITY REPORT

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Background

Rule 25-6.0455, Florida Administrative Code, requires each investor-owned electric utility to file an Annual Distribution Service Reliability Report containing data that this Commission uses to assess changes in distribution reliability. Under subsection (2) of the rule, a utility may exclude specified outage events such as a storm named by the National Hurricane Center, a tornado recorded by the National Weather Service, ice on lines, and an extreme weather event causing activation of the county emergency operations center. In addition, under subsection (3), a utility may petition this Commission to exclude an outage event not specifically enumerated in subsection (2). However, the utility must "demonstrate that the outage event was not within the utility's control, and that the utility could not reasonably have prevented the outage." Rule 25-6.0455(3), Florida Administrative Code.

On December 7, 2004, Tampa Electric Company ("Tampa Electric") filed a request for exclusion of outage events associated with weather systems on April 11-12, 2004, and on June 13, 24, and 26, 2004, pursuant to Rule 25-6.0455(3), Florida Administrative Code. In conjunction with its request for exclusion, Tampa Electric filed a petition seeking a variance or waiver from that portion of Rule 25-6.0455(3), which provides that the request must be filed within 30 days of the outage event for which an exclusion is requested.

DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

We granted Tampa Electric's rule waiver petition at our February 1, 2005, Agenda Conference.<sup>1</sup> At that Agenda Conference, Tampa Electric orally withdrew its request to exclude outage events on June 13, 24, and 26, 2004, but maintained its request for an exclusion of outage events on April 11-12, 2004. This Order addresses Tampa Electric's request to exclude the April 2004 outage events. We have jurisdiction over this matter pursuant to Chapter 366, Florida Statutes, including Sections 366.04, 366.041, and 366.05, Florida Statutes.

#### Summary of Tampa Electric's Petition

In its petition, Tampa Electric asserts that the weather event of April 11 and 12 that impacted its system was the same weather phenomenon described in detail in similar requests for exclusions filed by Florida Power & Light Company ("FPL") and Progress Energy Florida, Inc. ("PEFI"), which were granted by the Commission.<sup>2</sup> Tampa Electric states that very heavy rains, strong wind, and extensive lightning affected its service area resulting in 174 outage events affecting a total of 18,829 customers. Tampa Electric states that the 174 outage events result in a SAIDI<sup>3</sup> of 3.05 minutes for the 24-hour period on April 11-12, 2004. Tampa Electric notes that its five year daily average SAIDI for April is 0.09 minutes.

On April 1, 2005, Tampa Electric filed supplemental information in the form of a letter from a consultant, Mr. Robert Mullenax, a meteorologist with ImpactWeather, Inc. In the letter, Mr. Mullenax discusses the various characteristics of the wind events of April 11-12, 2004, concluding that "wake low" events affected Tampa Electric's service territory on those days.

#### Findings

As noted above, we previously granted requests by FPL and PEFI to exclude outage events that resulted from what appears to be the same weather system that impacted Tampa Electric on April 11-12, 2004. In those cases, we determined that the outage events were not within the utilities' control and that the utilities could not have reasonably prevented the outages. Because it appears that the same weather system impacted Tampa Electric, we grant Tampa Electric's request in this docket. Consistent with our decision in the FPL and PEFI cases, Tampa Electric shall revise its 2004 Annual Distribution Service Reliability Report with and without the exclusions authorized by this Order to enable assessment of trends in Tampa Electric's distribution reliability indices.

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<sup>1</sup> See Order No. PSC-05-0209-PAA-EI, issued February 22, 2005, as amended by Order No. PSC-05-0209A-PAA-EI, issued March 17, 2005.

<sup>2</sup> Order No. PSC-04-1102-PAA-EI, issued November 8, 2004, in Docket No. 040449-EI, In Re: Request for Exclusion under Rule 25-6.0455(3), F.A.C., for outages on April 13, 2004 resulting from weather system known as a "Mesoscale convective system," by Florida Power & Light Company; Order No. PSC-04-1268-PAA-EI, issued December 22, 2004, in Docket No. 040792-EI, In Re: Request to exclude 4/11-12/04 outage event from annual distribution service reliability report by Progress Energy Florida, Inc.

<sup>3</sup> SAIDI, short for System Average Interruption Duration Index, is a measurement of how long the average customer was without electric service.

Based on the foregoing, it is

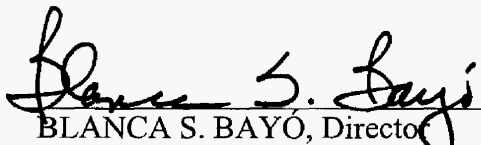
ORDERED by the Florida Public Service Commission that Tampa Electric Company's request to exclude outage events on April 11-12, 2004, is granted. It is further

ORDERED that Tampa Electric Company shall file a revised 2004 Annual Distribution Service Reliability Report showing the effects of including and excluding the outage events excluded by this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the 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 Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. 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 12th day of July, 2005.

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

( S E A L )

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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 that is available under Section 120.57, 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 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 action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file 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 August 2, 2005.

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/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.