

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Power)
and Light Company for approval of)
Interruptible rates.)

DOCKET NO. 881106-EI
ORDER NO. 25696
ISSUED: 2/6/92

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY

ORDER SUSPENDING TARIFF

BY THE COMMISSION

Florida Power and Light Company (FPL) filed full-requirements interruptible and standby interruptible service tariffs on April 26, 1988. We denied approval of these tariffs in Order No. 19448 (Docket No. 880616-EI) because of improper calculation of the non-fuel energy charge in the standby interruptible rate schedule and the indemnity provision of both the full-requirements and standby interruptible rate schedules. On May 26, 1988, FPL filed interim interruptible tariffs in accordance with Order No. 19448. These tariffs were approved administratively by staff because they were in conformance with the Commission's decision. The full-requirements interruptible tariff was limited to a subscription of 250 MW.

In Order No. 19448 we also required FPL to file permanent interruptible rates within one-hundred and twenty days of the order. At that time we expected Docket No. 870197-EI, determining methodologies and targets for interruptible loads to be at or near completion by the expiration of the 120-day deadline for filing permanent tariffs. This was not to be the case. Proposed permanent interruptible tariffs were filed August 22, 1988, in compliance with the 120-day deadline and were taken to the October 22, 1988, Agenda. Staff recommended that we deny the proposed tariffs as filed for two reasons:

1. The interim tariff referenced a new, unapproved tariff sheet. The referenced tariff sheet, which was to contain targets required by the non-firm rule, was still under consideration in the non-firm docket.
2. Language allowing interruptions without notice had been removed from the permanent tariff.

DOCUMENT NUMBER-DATE

01349 FEB -6 1992

FPSC-RECORDS/REPORTING

ORDER NO. 25696
DOCKET NO. 881106-EI
PAGE 2

We deferred action on these tariffs until the non-firm dockets were completed. In November 1988 methodologies for all companies were approved, and the balance of issues in the non-firm dockets were deferred pending revision of the non-firm rule to address issues raised in setting targets. Revisions to Rule 25-6.0438 were finally approved in July 1991.

Following the final adoption of revisions to Rule 25-6.0438, we again reviewed the proposed permanent interruptible tariff filed by FPL on August 22, 1988. At the October 22, 1991, Agenda Conference we denied approval of the tariff for the following two reasons: (1) The tariff is invalid as long as it contains a reference to a non-approved tariff sheet; and (2) the removal of the phrase "without notice" in the description of conditions of interruptions is inappropriate and could send incorrect signals to customers. FPL appeared to agree that the tariff as filed was not appropriate. We ordered FPL to submit a permanent interruptible tariff conforming to our rules within sixty days of the issuance of Order No. 25341.

FPL has now filed a permanent interruptible standby and supplemental service rate schedule (ISST-1) and agreement in response to this order. FPL's petition would eliminate the interim interruptible service rate schedule (IST-1) and revise the Commercial/Industrial Load Control Program rate schedule (CILC-1) and agreement. The IST-1 customers would take service on the CILC-1 rate schedule.


In its new filing the company has made a number of substantive changes in the terms and conditions of service on these rate schedules and agreements. In addition, the company has made small changes in the rates. Therefore, we find that these tariff sheets should be suspended to prevent them from automatically going into effect, to allow staff adequate time to review and conduct discovery on the changes.

It is therefore,

ORDERED by the Florida Public Service Commission that Florida Power and Light Company's proposed rate schedules and agreements for standby (ISST) interruptible service and commercial/industrial load control (CILC-1) are hereby suspended pending further order of this Commission.

ORDER NO. 25696
DOCKET NO. 881106-EI
PAGE 3

By ORDER of the Florida Public Service Commission, this
6th day of FEBRUARY, 1992.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

MAP:bmi
881106.bmi

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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 this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), 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.