

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 930454-EI
modification of the company's) ORDER NO. PSC-93-0929-FOF-EI
general rules and regulation) ISSUED: June 21, 1993
tariffs by Florida Power)
Corporation.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON

ORDER APPROVING TARIFF FILING

BY THE COMMISSION:

On April 21, 1993, Florida Power Corporation (FPC or company) requested approval of a change to its General Rules and Regulations tariff sheets. Currently, the Terms and Conditions section of the General Rules and Regulations tariff sheets states that "...[the company] shall not be liable to the Customer for complete or partial failure or interruption of service, or fluctuations in voltage, resulting from causes beyond its control or through the ordinary negligence of its employees, servants or agents." The company requests that the phrase "nor shall the Company be liable for the direct or indirect consequences of interruptions or curtailments made in accordance with the provisions of the rate schedules for interruptible, curtailable and load management service" be added to the quoted currently effective phrase.

We agree with the company and our Staff that the proposed addition is reasonable and prudent for the company to clarify in its tariffs that it is not liable for the consequences of interruptions or curtailments made under the provisions of the interruptible, curtailable, and load management rate schedules. Only those customers who are able and willing to suffer the consequences of interruptions and curtailments should be taking service under these rate schedules. In establishing the schedules the possibility of interruptions or curtailments is considered in setting the rates. Therefore if the customer wishes to receive the benefits of the rate designed for possible interruptions or curtailments it should be willing to take the risk of any consequences from an interruption or curtailment.

DOCUMENT NO.

06604-93

6/21/93

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In consideration of the foregoing, it is

ORDERED that Florida Power Corporation's requests to modify Section No. 4 by First Revised Sheet No. 4.040, Paragraph 4, as described in the body of this Order, is hereby approved. It is further

ORDERED that this Order shall become final and this docket shall be closed unless an appropriate petition for formal proceeding is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

By ORDER of the Florida Public Service Commission this 21st day of June, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)
MRC:bmi

by: Kay Flynn
Chief, Bureau of Records

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

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hearing or judicial review will be granted or result in the relief sought.

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 action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), Florida Administrative Code. This

petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on July 12, 1993.

In the absence of such a petition, this order shall become final on the day subsequent to the above date.

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.

If this Order becomes final on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting 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 of the date this Order becomes final, 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.