BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re:

Petition for Approval of Revised Terms for its Rate Schedule by Florida Power Corporation

Docket No. \_\_\_\_\_\_\_\_\_\_\_

Submitted for filing:

January 26,1995

**PETITION**

Florida Power Corporation ("Florida Power" or "the company"), hereby petitions this Commission for approval of revisions to is rate schedules which would allow clarification of right-of-way utilization fees when such fees are not imposed under a traditional franchise fee arrangement. The revisions would also address the application of state sales tax to the charge for electric service and equipment rental when provided for under state law sales tax laws. Further, the revisions would also correct certain technical terms and abbreviations and service classifications to conform to current approved usage and practice. Copies of the revised tariffs are attached hereto as Attachment "A" and copies of the revised tariffs in legislative form showing the changes requested herein are attached hereto as Attachment "B". In support of its petition, Florida Power states as follows:

**BACKGROUND**

Rate schedule BA-1, Billing Adjustments provides for the application of a franchise fee to the charge for electric service provided to customers within jurisdictional limits of each municipal or other governing body requiring the payments of a fee from the Company pursuant to a franchise ordinance. The franchise fee is basically a charge by the city or other governing body to permit the Company's use of the rights-of-way within the jurisdiction. As currently drafted, the franchise fee section of rate schedule BA-1 only speaks to franchise ordinances from a municipal or governmental entity. Currently, many counties either have or are contemplating enacting franchise fee ordinances. Further, there exist other limited or special purpose units of local government in the State of Florida which, while they may own rights-of-way, may not have the authority to grant a franchise under their limited grant of authority. These would include Community Development Districts under Chapter 190, Florida Statutes. Units of special-purpose local government such as Community Development Districts may own in fee the streets, alleys and other rights-of-ways within communities. In order to serve the residents in these communities, the Company needs to be able to use the rights-of-ways for placement of its electric facilities. Since the special purpose local government may not have the express right under Florida law to grant franchises, it is necessary to enter into some other right-of-way utilization agreement for the use of the special purpose local government's right-of-way. Fees paid pursuant to these rights-of-way utilization fees are virtually identical to the franchise fees contemplated in Schedule BA-1. Florida Power seeks to revise the definition of franchise fees in Twelfth Revised Sheet No. 6.106 in Attachments "A" and "B" to a definition of right-of-way utilization fee to permit the recoupment of these fees from these customers within the jurisdictional limits of the governmental entity, be in municipal, county or special purpose, who benefit from the Company's use of the rights-of-way. This revision also requires corresponding revisions to the following sheets in Attachments "A" and "B":

Twelfth Revised Sheet No. 6.130

Fifteenth Revised Sheet No. 6.120

Eleventh Revised Sheet No. 6.141

Sixteenth Revised Sheet No. 6.150

Tenth Revised Sheet No. 6.161

Fifteenth Revised Sheet No. 6.165

Ninth Revised Sheet No. 6.171

Eleventh Revised Sheet No. 6.181

Thirteenth Revised Sheet No. 6.231

Eleventh Revised Sheet No. 6.241

Eleventh Revised Sheet No. 6.251

Thirteenth Revised Sheet No. 6.261

Ninth Revised Sheet No. 6.282

Eighth Revised Sheet No. 6.313

Eighth Revised Sheet No. 6.318

Sixth Revised Sheet No. 6.323

Twelfth Revised Sheet No. 6.330

Second Revised Sheet No. 6.340

**Sales Tax**

The revised rate schedules in Twelfth Revised Sheet No. 6.106 in Attachments "A" and "B" also provide for a billing adjustment in Rate Schedule BA-1 for sales tax. This adjustment simply provides for a state sales tax to be applied to the charge for electric service and equipment rental provided to all non-residential customers unless a qualified sales tax exemption status is on record with the Company. The state sales tax will be determined in accordance with the state sales tax laws. This is consistent with current practice and treatment of other taxes. This revision also requires corresponding revisions to the following sheets in Attachments "A" and "B":

Twelfth Revised Sheet No. 6.130

Fifteenth Revised Sheet No. 6.120

Eleventh Revised Sheet No. 6.141

Sixteenth Revised Sheet No. 6.150

Tenth Revised Sheet No. 6.161

Fifteenth Revised Sheet No. 6.165

Ninth Revised Sheet No. 6.171

Eleventh Revised Sheet No. 6.181

Thirteenth Revised Sheet No. 6.231

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Thirteenth Revised Sheet No. 6.261

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Eighth Revised Sheet No. 6.313

Eighth Revised Sheet No. 6.318

Sixth Revised Sheet No. 6.323

Twelfth Revised Sheet No. 6.330

Second Revised Sheet No. 6.340

**Technical Terms and Abbreviations**

The revisions also seek certain modifications and new definitions of technical terms and abbreviations in Second Revised Sheet No. 3.1 in Attachments "A" and "B". The general intent of these modifications is to update and revise certain definitions and to include additional terms and abbreviations to conform to current practice.

**Service Classifications**

The revisions in First Revised Sheet No. 4.010 and First Revised Sheet No. 4.011 in Attachments "A" and "B" also modify Section 1.02 Service Classifications to update classifications of service to conform with the Company's November, 1992 rate redesign which has been previously approved by the Commission.

**Curtailable Standby Service**

Rate Schedule SS-3, Curtailable Standby Service, is modified in Second Revised Sheet No. 6.324 in Attachments "A" and "B" to correct the penalty percentage rate in Special Provision 5 from 115% to the 125% penalty which is stated in the Curtailable Service Rate already approved by the Commission.

**Limitation of Service**

The revisions in Eleventh Revised Sheet No. 6.140, Twelfth Revised Sheet No. 6.160, Thirteenth Revised Sheet No. 6.180 and Fourteenth Revised Sheet No. 6.260 in Attachments "A" and "B", further provide for the inclusion of Standby Service in the types of service not permitted under the Limitation of Service provision of the following Rate Schedules: GSDT-1, IST-1, GST-1 and RST-1. Standby Service was inadvertently deleted from the Limitation of Service provisions of these Rate Schedules during the Company's November, 1992 rate redesign. The modifications simply correct that error.

Florida Power stipulates to the Commission's suspension of the revised tariff sheets included herewith, and Florida Power hereby waives its right pursuant to Section 366.06(4), Florida Statutes, to place these revised tariff sheets into effect if not suspended within sixty (60) days of their filing.

**WHEREFORE**, Florida Power Corporation respectfully requests that the Commission grant this Petition and enter its Order approving the tariff revision contained in Attachments "A" and "B" hereto.

Respectfully submitted,

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