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Tallahassee, Florida

Charles A. Guyton
(904) 222-3423

September 28, 1995

**ORIGINAL
FILE COPY**

By Hand Delivery

Blanca S. Bayó, Director
Records and Reporting
Florida Public Service Commission
4075 Esplanade Way, Room 110
Tallahassee, Florida 32399-0850

**Re: ISPC-SOLAR/FPL Stipulation
Docket No. 941170-EG**

Dear Ms. Bayó:

Enclosed for filing are the original and fifteen (15) copies of a Stipulation between Florida Power & Light Company and The Independent Savings Plan Company and Solar City, Inc. in Docket No. 941170-EG.

If you or your staff have any questions regarding this filing, please contact me.

Very truly yours,

Charles A. Guyton

- ACK
- AFA _____
- APP _____
- CAF _____
- CMU _____ CAG/sh
- CTR _____ encs.
- EAC *Thine* TAL/12996
- LEG 1 cc: All Parties of Record
- LIN 5
- OPC _____
- RCH _____
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DOCUMENT NUMBER-DATE
FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

**In Re: Approval of Demand Side Management
Plan of Florida Power & Light Company**)

**Docket No. 941170-EG
Filed: September 28, 1995**

**STIPULATION OF FLORIDA POWER & LIGHT COMPANY
AND THE INDEPENDENT SAVINGS PLAN COMPANY AND SOLAR CITY, INC.**

This stipulation is entered into between Florida Power & Light Company ("FPL") and The Independent Savings Plan Company ("ISPC") and Solar City, Inc. ("SOLAR") pursuant to Section 120.57(3), Florida Statutes, for the purpose of an informal disposition of ISPC's and SOLAR's joint request for hearing in Docket No. 941170-EG. FPL, ISPC and SOLAR wish to avoid the time, expense and uncertainty associated with adversarial litigation in this docket in keeping with the Commission's encouragement to settle disputes. Accordingly, without prejudice as to FPL's or ISPC's and SOLAR's position in any other proceeding before this Commission, FPL, ISPC and SOLAR agree and stipulate as follows:

1. In consideration of the actions undertaken by FPL pursuant to this stipulation, ISPC and SOLAR agree to:
 - a. withdraw their request for hearing in Docket No. 941170-EG upon the Commission's approval of this stipulation;
 - b. not participate in the review and approval of program participation standards arising from Docket No. 941170-EG, the review and approval of any monitoring and evaluation plan required by the Commission in Docket No. 941170-EG, and any workshops created as a result of orders in Docket No. 941170-EG, so long as any review, approval and/or workshops do not affect the agreements reached in this stipulation;

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FPSC-RECORDS/REPORTING

After the initial determination (by agreement or Commission resolution) of what constitutes objective solar water heating information to be provided by FPL to its residential customers, if FPL desires to modify the substantive content of such information or to discontinue providing such information, FPL will petition the Commission to approve such a change and provide notice to ISPC and SOLAR of such petition, and nothing in this stipulation or its implementation shall be construed as granting ISPC and SOLAR standing to participate in such a proceeding or as waiving FPL's right to challenge ISPC's and SOLAR's potential participation in such a proceeding; and

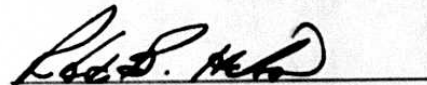
- d. to provide adequate training for appropriate FPL employees to ensure the accurate dissemination of objective solar water heating information.
3. Nothing in this stipulation shall be construed as requiring FPL: to implement or to continue to offer any DSM option or program that is not cost-effective under the Rate Impact Measure and Participants tests other than the phase out of the offering of solar water heating incentives pursuant to paragraph 2.a.; to modify or to refrain from seeking modification of the conservation goals established for FPL in Order No. PSC-94-1313-EG; to modify its DSM Plan in a fashion other than as outlined in paragraphs 2.a. through 2.d. above; or to refrain from seeking modification of its DSM Plan.
4. This stipulation shall become null and void in its entirety if it is not approved by the Florida Public Service Commission.
5. This stipulation may not be modified except by the written mutual consent of ISPC and SOLAR and FPL. However, ISPC and SOLAR and FPL recognize that the Commission

has continuing jurisdiction regarding FPL's DSM programs and may, on its own initiative, suggest program changes, subject to the rights of appropriate parties to participate in the resulting proceedings.

6. This stipulation shall be subject to the jurisdiction of the Florida Public Service Commission, and the Commission shall be the sole body for the resolution of any disputes arising out of the discharge of this agreement.


DATED: September 27, 1995

**THE INDEPENDENT SAVINGS
PLAN COMPANY, SOLAR
CITY, INC.**



Robert B. Hicks, Attorney for
The Independent Savings Plan
Company and Solar City, Inc.

**FLORIDA POWER & LIGHT
COMPANY**



Charles A. Guyton, Attorney for
Florida Power & Light Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the Stipulation Of Florida Power & Light Company And The Independent Savings Plan Company And Solar City, Inc., were served by Hand Delivery (when indicated with an *) or mailed this 28th day of September, 1995 to the following:

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Charles A. Guyton

** Courtesy Copy