

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for approval of) DOCKET NO. 960874-EI
tariff contract form for) ORDER NO. PSC-96-1190-FOF-EI
Department of Transportation) ISSUED: September 23, 1996
Tri-Partite Lighting Projects,)
by Tampa Electric Company.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER APPROVING TARIFF

CASE BACKGROUND

In 1995, Section 337.11 (13), Florida Statutes was amended to allow, in limited situations, street lighting service to be provided to the Department of Transportation (DOT) on power-line poles without going through a competitive bidding process. The situations are limited to right-of-way conflicts and that the street lighting service is cost-effective for the taxpayers. On July 31, 1996, Tampa Electric Company (TECO or the Company) petitioned the Commission for approval of a tariff contract form for DOT Tri-Partite lighting projects. The Tri-Partite Joint Project Agreement (contract form) will be used in situations where a right-of-way is shared between a state highway road widening project and the local electric utility. The contract will provide a mutually beneficial solution to the provision of lighting along state maintained roadways.

DECISION

In the past, if the DOT widened a roadway, the existing utility poles would have to be moved at the utility's expense. In addition, road widening could force the utility to obtain an additional right-of-way for its distribution poles at the utility's expense. A related concern is the payment of the monthly tariffed rates for energy and maintenance of the lights. The DOT has no budgetary mechanism for making such monthly payments and assigns

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responsibility for these payments to the local governing agency. The local governing agency, however, often is not equipped to make the payments out of its existing budget.

The Tri-Partite contract form developed by DOT and TECO is a cost-effective means to provide street lighting in situations where there is a right-of-way conflict. Under the contract form, TECO will be able to share whatever right-of-way is available and potentially avoid relocating its poles by allowing the DOT to place streetlights on TECO distribution poles. In addition, it clearly establishes the monthly rate responsibility of the local government to pay for the energy and maintenance costs of the lighting project. This provision gives the local government an opportunity to make any necessary budgetary adjustments before the lights are constructed and service begins.

Our review of the proposed contract form focused on its effect upon TECO's general body of ratepayers. TECO will own the lighting system. TECO is responsible for the design and construction of the lighting system project and for providing maintenance and energy for the lighting system. TECO will be reimbursed for its services by DOT providing TECO with the capital funding needed to design and construct the lighting system. The price paid by the DOT will fully cover TECO's cost of constructing the lighting system. The Company asserts that there will be no dollar impact to plant in service or rate base since the cost is fully reimbursed by the DOT's payment. Also, the local governing agency will provide TECO with the money needed for the maintenance, energy and fuel for the operation of the lighting system, under tariffed rates.

We believe that the general body of ratepayers are adequately protected because of the clear assignment of cost responsibility. Upon execution, the contract form will include the name of the local governing agency, the location of the stretch of state highway system to be lit and the capital cost of the work to be performed specific to each project. Therefore, we approve the Tri-Partite Joint Project Agreement as part of TECO's tariff effective September 3, 1996.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Tampa Electric Company's Petition for Approval of Tariff Contract Form for Department of Transportation Tri-Partite Lighting Projects is hereby approved. It is further

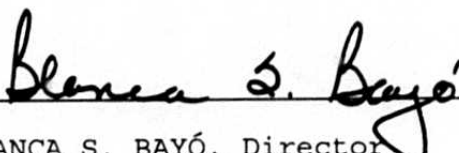
ORDERED that this tariff shall be effective as of September 3, 1996. It is further

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ORDERED that if a protest is filed in accordance with the requirement set forth below, the tariff shall remain in effect with any increase in revenues held subject to refund pending resolution of the protest. It is further

ORDERED that if no protest is filed in accordance with the requirements set forth below, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 23rd day of September, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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.

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

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Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 14, 1996.

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.