

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 961378-EG

IN RE: Proposed amendment of Rule 25-17.015, F.A.C.,
Conservation Cost Recovery.

NOTICE OF PROPOSED RULE DEVELOPMENT

TO

ALL INTERESTED PARTIES

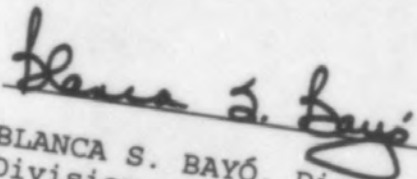
ISSUED: December 4, 1996

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated the development of amendments to Chapter 25-17, Florida Administrative Code, to amend provisions relating to conservation cost recovery.

The attached Notice of Proposed Rule Development will appear in the December 13, 1996, edition of the Florida Administrative Weekly. It is not anticipated that a rule development workshop will be necessary; however, a request will be considered if submitted in writing and received by the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, no later than January 3, 1997. If a timely workshop request is granted, a workshop will be held at the following time and place:

Florida Public Service Commission
9:30 a.m., January 14, 1997
Betty Easley Conference Center
Room 152, 4075 Esplanade Way
Tallahassee, Florida 32399-0850

By Direction of the Florida Public Service Commission, this
4th day of December, 1996.



BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

RCB

DOCUMENT NUMBER-DATE

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 961378-EG

RULE TITLE:

RULE NO.:

Conservation Cost Recovery

25-17.015

PURPOSE AND EFFECT: Replaces semi-annual energy conservation cost recovery proceedings with annual proceedings.

SUBJECT AREA TO BE ADDRESSED: Energy Conservation Cost Recovery (ECCR) proceeding.

SPECIFIC AUTHORITY: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 366.095, 366.82(5) F.S.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: January 14, 1997, 9:30 a.m.

PLACE: Florida Public Service Commission, Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399-0850.

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO THE COMMISSION'S DIVISION OF RECORDS AND REPORTING, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:
25-17.015 Conservation Cost Recovery.

(1) The Commission shall conduct annual energy conservation cost recovery proceedings during the first quarter of each calendar

(1) The Commission shall conduct annual energy conservation cost recovery proceedings during the first quarter of each calendar year. Each utility over which the Commission has ratemaking authority may seek to recover its costs for energy conservation programs, ~~as provided in § 366.82(5), F.S. To do so, a~~ Each utility seeking cost recovery shall file the following at the times directed by the Commission: a petition setting forth estimates of these reasonable and prudent unreimbursed costs projected to be incurred, by specific program, less any estimated revenues, in the same manner and for the same periods as provided for the fuel cost recovery clause in Order No. 9273 issued by the Commission on March 7, 1980. The time limitations applicable to the fuel cost recovery clause shall also apply and the Commission shall dispose of the petition in the same manner and within the times applicable to the fuel cost recovery clause.

(a) An annual petition showing the actual and estimated costs and revenues projected to be incurred by specific program. The costs and revenues should be less any actual and estimated revenues for the 18-month period beginning with the month of October that immediately follows the annual filing described in subsection (b).

(b) An annual true-up filing showing the actual costs and revenues attributed to each program for the prior 12-month historical period from October 1 through September 30 of the following year.

(c) Within 60 days immediately following the first six months of the reporting period in subsection (1)(b), each utility shall report the actual results for that period on Form PSC/EAG/X (X/9X), entitled, Conservation Cost Recovery Annual Short Form, which is incorporated by reference in this rule, and may be obtained from the Director, Division of Electric and Gas, Florida Public Service Commission.

(2) Each utility shall establish a clearing account ~~or such other account as appropriate~~ for each conservation program for purposes of recording the costs incurred for that program, ~~together with subaccounts under the appropriate accounts contained in the Uniform System of Accounts prescribed by the Commission which will ultimately be charged.~~ Each utility shall also establish separate subaccounts ~~appropriate under the account for Other Electric Revenues or Other Gas Revenues,~~ for revenues derived from specific customer charges in any program and any costs recovered.

(3) A complete listing of all account and subaccount numbers used for conservation cost recovery shall accompany each petition for cost recovery. ~~The petition shall indicate the amounts recorded in the Clearing Account or such other account as appropriate for each conservation program together with the subaccounts ultimately charged. Similarly, the petition shall indicate the amount of revenues derived from specific customer~~

~~charges in any programs and any costs recovered, which revenues and costs have been recorded in the appropriate revenues subaccounts.~~

(4) New programs or program modifications must be approved prior to program implementation and cost recovery. ~~Each utility shall report the actual costs and specific revenues and recovered costs attributed to each program to the Commission in the same manner and within the time limits applicable to the fuel cost recovery clause. The Commission shall dispose of the matter in the same manner as fuel cost recovery clause proceedings to reflect the actual conservation costs and conservation revenues of the preceding period.~~

(5) Advertising expense recovered through Energy Conservation Cost Recovery shall be ~~When a utility seeks to recover advertising expenses through Energy Conservation Cost Recovery, then the expense must be directly related to an approved conservation program, must not mention a competing fuel, and shall not be company image enhancing. One sample of each advertisement layout or advertising campaign must accompany each utility's True-Up Filing required by subsection (1)(b) along with the specific costs associated with producing, publishing, or airing each layout or campaign. When the advertisement makes a specific claim of potential energy savings, compares costs with other forms of energy, compares Commission-approved rates and charges, or states appliance efficiency ratings or savings, all data sources and~~

calculations used to substantiate these claims must be included in the true-up filing. In determining whether an advertisement is "directly related to an approved conservation program," the Commission shall consider, but is not limited to, whether the advertisement or advertising campaign:

- (a) Identifies a specific problem.
- (b) States how to correct the problem.
- (c) Provides direction concerning how to obtain help to alleviate the problem.

(6) If a cost for any utility has been expressly disallowed for cost recovery by a commission order, each utility is prohibited from thereafter seeking recovery of a cost of a substantially similar nature unless the utility specifically identifies the cost it is seeking to recover as being similar to previously disallowed costs. Each willful violation of the provisions of this subsection by a utility shall subject the utility to a penalty as described by Section 366.095, Florida Statutes. ~~In order to implement this subsection, the Commission will issue an order describing the types of costs that it has previously disallowed.~~

Specific Authority 350.127(2), 366.05(1) FS.

Law Implemented 366.095, 366.82(5) FS.

History--New 1-27-81, Amended 12-30-82, Formerly 25-17.15, Amended 3-27-86, 8-22-90, _____.