

FLORIDA PUBLIC SERVICE COMMISSION
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Tallahassee, Florida 32399-0850

M E M O R A N D U M

April 16, 1998

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FPSC - Records/Reporting

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF ELECTRIC & GAS (GINGY) *PH ca*
DIVISION OF LEGAL SERVICES (KEATING) *WEX RVEJW*

RE: DOCKET NO. 980423-EI - TAMPA ELECTRIC COMPANY - PETITION
BY TAMPA ELECTRIC COMPANY FOR APPROVAL OF A BUILDING
ENERGY-EFFICIENCY RATING SYSTEM (BERS) TARIFF

AGENDA: 04/28/98 - REGULAR AGENDA - TARIFF FILING - INTERESTED
PERSONS MAY PARTICIPATE

CRITICAL DATES: 60-DAY SUSPENSION DATE: 05/23/98

SPECIAL INSTRUCTIONS: S:\PSC\EAG\WP\980423EI.RCM

CASE BACKGROUND

In 1993, the Florida Legislature passed the "Florida Building Energy-Efficiency Rating Act" which is codified as Sections 553.990-553.998, Florida Statutes. The purpose of the act is to provide for a statewide uniform system for rating the energy efficiency of buildings and to ensure that these ratings are disclosed to prospective purchasers at their request. The statute instructs the Department of Community Affairs to adopt, update, and maintain a statewide uniform building energy-efficiency rating system (BERS). On July 1, 1994 The Department of Community Affairs adopted Rules 9B-60.001 - 9B-60.007, Florida Administrative Code, in order to implement the BERS system passed by the Florida Legislature.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission approve Tampa Electric Company's (TECO) petition for approval of a BERS tariff?

RECOMMENDATION: Yes. The Commission should approve TECO's petition for approval of a BERS tariff.

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STAFF ANALYSIS: Rule 25-17.003(3), Florida Administrative Code, requires all utilities to offer BERS Audits to eligible residential customers. A BERS Audit is an energy efficiency analysis that may be performed, upon customer request, on new or existing single family residences.

TECO's proposed charges for this audit are in line with Florida Power & Light Company, Florida Power Corporation, and Gulf Power Company's existing BERS tariffs. According to TECO, the BERS Audits will be performed in compliance with Section 553.995, Florida Statutes, and Rules 9B-60.004(3) and (4) and 9B-60.005, Florida Administrative Code, as required by Commission Rule 25-17.003, Florida Administrative Code. Therefore, staff recommends that the Commission approve TECO's BERS Audit tariff.

ISSUE 2: What is the appropriate effective date for TECO's BERS tariff?

RECOMMENDATION: TECO's BERS tariff should take effect the date of the Commission vote.

STAFF ANALYSIS: TECO BERS tariff should take effect the date of the Commission vote so customers can immediately begin to take advantage of the new tariff.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes. If no timely protest is filed, this docket should be closed.

STAFF ANALYSIS: If a person whose substantial interests are affected by the Commission's proposed agency action timely files a protest within 21 days of the issuance date of the order, the tariff should remain in effect, with any increase in revenues held subject to refund, pending resolution of the protest. If no timely protest is filed, the docket should be closed.