

One Energy Place  
Pensacola, Florida 32520

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ORIGINAL



April 27, 1999

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee FL 32399-0870

Dear Ms. Bayo:

RE: Docket No. 981591-EG

Enclosed are an original and fifteen copies of Gulf Power Company's Petition for Formal Proceeding on Proposed Agency Action in the above docket.

Sincerely,

*Susan D. Ritenour*

Susan D. Ritenour  
Assistant Secretary and Assistant Treasurer

lw

Enclosures

cc: Beggs and Lane  
J. A. Stone, Esquire

- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG
- LEG \_\_\_\_\_
- MAS \_\_\_\_\_
- OPC \_\_\_\_\_
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- SEC \_\_\_\_\_
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FPSC-RECORDS/REPORTING

IN RE: Petition for Authority to Implement )  
 Good Cents Conversion Program ) Docket No.: 981591-EG  
 by Gulf Power Company. ) Filed: April 28, 1999  
 \_\_\_\_\_ )

**PETITION FOR FORMAL PROCEEDING ON PROPOSED AGENCY ACTION**

GULF POWER COMPANY ("Gulf Power", "Gulf", or "the Company"), by and through its undersigned attorneys, and pursuant to Rule 25-22.029 and Rule 28-106.201 of the Florida Administrative Code, hereby petitions the Florida Public Service Commission for a formal proceeding in the above referenced matter. In support thereof the Company would respectfully show:

1. Notices and communications with respect to this petition and docket should be addressed to:

Jeffrey A. Stone  
 Russell A. Badders  
 Beggs & Lane  
 P. O. Box 12950  
 Pensacola, FL 32576-2950

Susan D. Ritenour  
 Assistant Secretary and Assistant Treasurer  
 Gulf Power Company  
 One Energy Place  
 Pensacola, FL 32520-0780

2. Gulf is a corporation with its headquarters located at 500 Bayfront Parkway, Pensacola, Florida 32501. The Company is an investor-owned electric utility operating under the jurisdiction of this Commission.

3. The Commission, in Order No. PSC-99-0684-FOF-EG issued April 7, 1999, provided notice of Proposed Agency Action denying Gulf Power's petition to implement the Company's proposed Good Cents Conversion Program. Gulf received notice of the Commission's decision in this matter via regular U.S. mail on April 8, 1999.

4. Gulf Power's substantial interests are affected in that Gulf sought and was denied Commission approval of cost recovery for a proposed new program, the Good

Cents Conversion Program, which the Company believes is a valid conservation program under the Florida Energy Efficiency and Conservation Act (“FEECA”).

5. Gulf disputes the following Commission findings contained in the Notice of Proposed Agency Action Order Denying Petition to Implement Good Cents Conversion Program, Order No. PSC-99-0684-FOF-EG:

- A. Residential customers are not likely to replace existing equipment unless it fails.
- B. That total annual energy consumption would increase, rather than decrease.
- C. That the Good Cents Conversion Program is not energy conservation but, rather, electricity competing with natural gas.
- D. That the Good Cents Conservation Program is not consistent with the Florida Energy Efficiency and Conservation Act.
- E. That cost recovery through the Energy Conservation Cost Recovery Clause should not be allowed for the Good Cents Conversion Program.

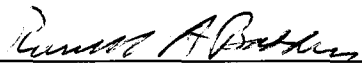
6. Gulf’s initial petition for approval of the Good Cents Conversion Program contains a more detailed explanation of the ultimate facts and relief sought by Gulf with regard to this program. The facts and allegations contained in Gulf’s Initial Petition For New Program, filed November 12, 1998 are incorporated herein by reference. Briefly, Gulf seeks a formal proceeding to show that residential customers are likely to replace functioning, though inefficient, existing equipment and not just equipment that fails. In addition, Gulf’s position is that total annual energy consumption would decrease and that the Good Cents Conversion Program is energy conservation consistent with the Florida

Energy Efficiency and Conservation Act. Finally, Gulf asserts that this program is appropriate for cost recovery through the Energy Conservation Cost Recovery Clause.

7. Gulf is entitled to relief pursuant to Section 366.82(5) of the Florida Statutes and Rule 25-17.015 of the Florida Administrative Code.

WHEREFORE, Gulf Power Company respectfully requests the Florida Public Service Commission to hold a formal proceeding in lieu of the proposed agency action noticed in Order No. PSC-99-0684-FOF-EG for the purpose of considering whether the Commission should authorize the Company to implement the Good Cents Conversion Program consistent with this petition and the Company's petition filed in this docket on November 12, 1998.

Respectfully submitted the 27th day of April 1999.

  
\_\_\_\_\_  
**JEFFREY A. STONE**  
Florida Bar No. 325953  
**RUSSELL A. BADDERS**  
Florida Bar No. 7455  
**Beggs & Lane**  
P. O. Box 12950  
Pensacola, Florida 32576-2950  
(850) 432-2451  
**Attorneys for Gulf Power Company**

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

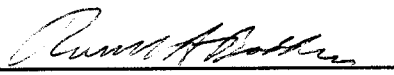
In re: Petition for authority to implement )  
Good Cents Conversion Program by )  
Gulf Power Company )  
\_\_\_\_\_ )

Docket No. 981591-EG

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing has been furnished  
this 27<sup>th</sup> day of April 1999 by U.S. Mail or hand delivery to the following:

Tiffany R. Collins, Esquire  
Staff Counsel  
FL Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee FL 32399-0863

  
\_\_\_\_\_  
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