

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Gulf Power
Company for approval of Rate
Schedule Real Time Pricing
Conservation Program (RTP).

DOCKET NO. 990315-EG
ORDER NO. PSC-99-1065-PCO-EG
ISSUED: May 25, 1999

The following Commissioners participated in the disposition of
this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

ORDER SUSPENDING GULF POWER COMPANY'S
RATE SCHEDULE REAL TIME PRICING CONSERVATION PROGRAM (RTP)

BY THE COMMISSION:

CASE BACKGROUND

By Order No. PSC-95-0256-FOF-EI, issued February 23, 1995, we approved Gulf Power Company's (Gulf's) proposed Real Time Pricing (RTP) pilot conservation program effective February 7, 1995. The RTP rate schedule provides participating customers with hourly energy prices, and thus allows customers to schedule their usage of electricity in a manner which will minimize their total bills. Gulf's RTP program was scheduled to terminate on December 31, 1998, at which time customers participating in the program were to return to their otherwise applicable standard rate, unless the program was extended by order of this Commission.

By Order No. PSC-98-0925-FOF-EI, issued July 7, 1998, in Docket No. 941102-EI, we approved an extension of the RTP rate schedule until May 31, 1999, to allow Gulf the opportunity to review and examine the results of its experimental program, and to file for approval of a permanent RTP rate. Gulf filed for approval of a permanent RTP rate schedule on March 11, 1999.

Pursuant to the order approving the RTP pilot program, Gulf must provide to us a final report describing the program results. At this time, we have not yet received the report, and thus cannot make a decision regarding the proposed permanent program. Suspending the tariff will allow us the time to receive and review the final report, and to conduct any discovery necessary to evaluate the proposed permanent program.

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Given this decision to suspend the proposed permanent RTP rate schedule, we will not vote to approve or deny the rate prior to the expiration of the existing RTP rate on May 31, 1999. In order to avoid disrupting service to existing RTP customers, we find it is reasonable to allow them to continue service under the existing rate beyond May 31, 1999, until our decision on the proposed new rate, or until Gulf withdraws its request for approval of the new RTP rate. We further find that if the new rate has not been approved, denied, or withdrawn by November 30, 1999, the existing RTP rate should be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Gulf Power Company's proposed Real Time Pricing rate schedule tariffs is suspended. It is further

ORDERED by the Florida Public Service Commission that Gulf Power Company's existing RTP rate schedule is extended until this Commission votes on the proposed permanent RTP rate schedule. It is further

ORDERED by the Florida Public Service Commission that if the new RTP rate has not been approved, denied, or withdrawn by November 30, 1999, the existing RTP rate shall be closed. It is further

ORDERED that this docket remain open pending a Commission decision regarding Gulf Power Company's proposed Real Time Pricing Rate Schedule.

By ORDER of the Florida Public Service Commission this 25th day of May, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)
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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.