

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Tampa Electric Company )  
for Approval of Modification to Non-Firm )  
Electric Service Tariff Sheets. )  
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DOCKET NO. DD1487-EL  
FILED: September 27, 2000

**PETITION OF TAMPA ELECTRIC COMPANY FOR WAIVER  
OF RULE 25-6.0438(8), FLORIDA ADMINISTRATIVE CODE,  
PERTAINING TO WRITTEN NOTICE TO TRANSFER TO FIRM SERVICE**

Tampa Electric Company ("Tampa Electric" or "the company"), pursuant to Section 366.04, 366.03, 366.041 and 366.05, Florida Statutes, and Rules 25-6.0438, Florida Administrative Code, and Rule 28-104.002, Uniform Rules of Procedure, hereby petitions the Florida Public Service Commission (the "Commission") for a waiver of the requirement in Rule 25-6.0438(8), Florida Administrative Code, that non-firm electric service customers provide 60 months written notice in advance of transferring to firm electric service. In support thereof, Tampa Electric submits the following:

1. Tampa Electric is a public utility subject to the jurisdiction of the Commission under Chapter 366, Florida Statutes.
2. All notices, pleadings and correspondence required to be served on the petitioner should be directed to:

Lee L. Willis  
James D. Beasley  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, FL 32302  
(850) 224-9115  
(850) 222-7952 (Fax)

Angela L. Llewellyn  
Administrator-Regulatory Coordination  
Tampa Electric Company  
Post Office Box 111  
Tampa, FL 33601  
(813) 228-4111  
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3. Tampa Electric has submitted on this same date under separate cover a petition for approval of a modification to its non-firm electric tariff offering to reduce the written notice period from 60 months down to 36 months in advance of transferring to firm service. Rule 25-6.0438(8) currently requires customers to provide 60 months written notice in advance of transferring from non-firm electric service to firm electric service. Tampa Electric believes that 36 months written notice is an adequate period of time and, thus, seeks a waiver of the 60 months notice requirement contained in the rule.

4. Tampa Electric submits that the purpose of Rule 25-6.0438(8), Florida Administrative Code, is to provide electric utilities with the minimum reasonable notice of a customer's desire to switch from non-firm to firm service so that the utility can plan to meet the firm requirement to be imposed by the customer's conversion to firm service. Tampa Electric submits that in light of the type of generating units Tampa Electric presently relies on to meet its incremental demand, 36 months is adequate time to plan and construct such units.

5. Tampa Electric further submits that strict adherence to the five year term provided for in Rule 25-6.0438(8), Florida Administrative Code, would create a substantial hardship on Tampa Electric and its ratepayers. Requiring a 60 month written notice in the face of a shortened period of time required to construct an incremental generating unit would subject the company and its non-firm customers to substantial hardship by unduly lengthening the written notice period necessary to enable Tampa Electric to plan its system requirements. The purpose of the underlying statutes to provide a minimum reasonable notice period to enable utilities to plan to accommodate firm service demand will not be met absent the requested rule waiver.

WHEREFORE, for the above stated reasons and for the reasons set forth in the company's separate petition to modify its non-firm service tariffs, Tampa Electric respectfully

requests that the Commission grant this petition for a waiver of the 60 month written notice requirement set forth in Rule 25-6.0438(8), Florida Administrative Code.

DATED this 27<sup>th</sup> day of September 2000.

Respectfully submitted,



LEE L. WILLIS  
JAMES D. BEASLEY  
Ausley & McMullen  
Post Office Box 391  
Tallahassee, FL 32302  
(850) 224-9115

ATTORNEYS FOR TAMPA ELECTRIC COMPANY

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