

State of Florida



Public Service Commission  
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-M-E-M-O-R-A-N-D-U-M- COMMISSION CLERK

DATE: 1/8/04

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK & ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF ECONOMIC REGULATION (DRAPER, SPRINGER) *DW ESD MDW*  
OFFICE OF THE GENERAL COUNSEL (BROWN) *JDJ* *MB*

RE: DOCKET NO. 031074-EI - PETITION FOR APPROVAL OF CHANGES TO EXISTING PERFORMANCE GUARANTY AGREEMENT AND FOR APPROVAL OF A SECOND PERFORMANCE GUARANTY AGREEMENT, BY FLORIDA POWER & LIGHT COMPANY.

AGENDA: 1/20/04 - REGULAR AGENDA - TARIFF FILING - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: 60-DAY SUSPENSION DATE: 1/24/04

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\ECR\WP\031074.RCM

CASE BACKGROUND

On November 25, 2003 Florida Power & Light Company (FPL) filed a petition for approval of changes to its existing Performance Guaranty Agreement tariff and for approval of a new second Performance Guaranty Agreement tariff.

The Commission has jurisdiction over the subject matter pursuant to Sections 366.04 and 366.05, Florida Statutes.

DOCUMENT NUMBER-DATE

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**DISCUSSION OF ISSUES**

**ISSUE 1:** Should FPL's proposed revisions to its existing Performance Guaranty Agreement tariff and FPL's proposed new Performance Guaranty Agreement tariff be suspended?

**RECOMMENDATION:** Yes. (DRAPER, SPRINGER)

**STAFF ANALYSIS:** On November 25, 2003 Florida Power & Light Company (FPL) filed a petition for approval of changes to its existing Performance Guaranty Agreement tariff and for approval of a second Performance Guaranty Agreement tariff. Staff is recommending that the tariff be suspended to allow staff sufficient time to review the petition in order to present the Commission an informed recommendation on the tariff proposal.

Pursuant to Section 366.06(3), Florida Statutes, the Commission may withhold consent to the operation of all or any portion of a new rate schedule, delivering to the utility requesting such increase a reason or written statement of good cause for doing so within 60 days. Staff believes that the reason stated above is good cause consistent with the requirement of Section 366.06(3), Florida Statutes.

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** No. (BROWN)

**STAFF ANALYSIS:** This docket should remain open pending the Commission vote on the proposed tariff revision.