

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of numeric conservation goals by Florida Power & Light Company. | DOCKET NO. 040029-EG
ORDER NO. PSC-05-0323-CO-EG
ISSUED: March 21, 2005

CONSUMMATING ORDER

BY THE COMMISSION:

By Order No. PSC-05-0162-PAA-EG (PAA Order), issued February 9, 2005, this Commission proposed to approve Florida Power & Light Company's (FPL) demand-side management (DSM) plan, subject to a petition for formal proceeding as provided for in Rule 25-22.029, Florida Administrative Code. The PAA Order approved all of the programs in FPL's DSM plan with one caveat. FPL's BuildSmart program is the subject of an ongoing protest filed by Compliance Data Services, Inc. in Docket No. 040660-EG, and the PAA Order found that if a hearing is held in that docket then it is appropriate to address the inclusion of the BuildSmart program in FPL's DSM plan as a part of that proceeding. If a hearing is not held in Docket No. 040660-EG, and the decision in that docket becomes final, then the PAA Order found that the BuildSmart program as approved in Docket No. 040660-EG would be included in FPL's DSM plan.

On March 2, 2005, Compliance Data Services, Inc., Dennis J. Stroer, and Jon F. Klongerbo, filed a Protest of Proposed Approval of Florida Power and Light Company's Demand-Side Management Plan, Including Approval for Cost Recovery, pursuant to Rule 25-22.029, Florida Administrative Code. The protest only took issue with the approval of FPL's BuildSmart and Residential Conservation Service programs in the PAA Order, and requested that the Commission reject these programs and require FPL to submit new program designs. As a result, the approval of the remaining programs in FPL's DSM plan can now become final. Accordingly, Order No. PSC-05-0162-PAA-EG can become final with regard to the approval of all the programs in FPL's DSM plan except for the BuildSmart and Residential Conservation Service programs. It is, therefore,

ORDERED by the Florida Public Service Commission that Order No. PSC-05-0162-PAA-EG has become effective and final with regard to the approval of all the programs in Florida Power & Light Company's demand-side management plan, except for the BuildSmart and Residential Conservation Service programs. It is further

ORDERED that this docket shall remain open pending resolution of the petition for formal proceeding.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

By ORDER of the Florida Public Service Commission this 21st day of March, 2005.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

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.

Any party adversely affected by the Commission's final action in this matter may request:
1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.