

State of Florida



Public Service Commission

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COMMISSION
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-M-E-M-O-R-A-N-D-U-M-

DATE: May 19, 2005

TO: Director, Division of the Commission Clerk & Administrative Services (Bayó)

FROM: Division of Economic Regulation (Draper, Brennan) *DLW EAD CB*
Office of the General Counsel (Brown) *ACT WBM / JS*
MCB

RE: Docket No. 050226-EI – Petition for approval of 2005 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company.

AGENDA: 05/31/05 – Regular Agenda – Tariff Filing – Interested Persons May Participate

CRITICAL DATES: 05/31/05 (60-Day Suspension Date)

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\ECR\WP\050226.RCM.DOC

Case Background

On April 1, 2005, Florida Power & Light Company (FPL) filed a Petition for Approval of 2005 Revisions to Florida Power & Light Company's Underground Residential and Commercial Distribution Tariff. This is staff's recommendation to suspend the tariff revisions.

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

DOCUMENT NUMBER-DATE

04898 MAY 19 05

FPSC-COMMISSION CLERK

Discussion of Issues

Issue 1: Should FPL's proposed underground residential and commercial distribution tariffs and their associated charges be suspended?

Recommendation: Yes. (Draper, Breman)

Staff Analysis: On April 1, 2005, FPL filed a petition for approval of revised residential and commercial underground distribution tariffs and their associated charges. 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 for suspension 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.