

ORIGINAL

Matilda Sanders

From: POWCK@aol.com
Sent: Tuesday, June 06, 2006 8:37 AM
To: Filings@psc.state.fl.us
Cc: daleylaw@nettally.com
Subject: Request for Hearing
Attachments: reqforhearing62006.doc

Ms Blanco Baya,

Attached please find Power Check's request for hearing in Docket Number 050152-EU. Thank you for filing the same.

Marc Mazo
727-573-5797

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FPSC-COMMISSION CLERK

In re: Proposed revisions to Rule 25-6.049
F.A.C. Measuring Customer Service

DOCKET NO.050152-EU

REQUEST FOR HEARING

COMES NOW Power Check Consultants pursuant to the Rules of the FPSC and respectfully requests a hearing on the proposed rule changes reflected in PSC ORDER 06-0400-NOR-EU, issued May 11, 2006, and as grounds therefore would state:

1. Such request is timely as it is made prior to June 9, 2006.
2. According to the stated purpose and effect the Commission has granted several waivers of the individual measuring requirements of Rule 25-6.049, F.A.C., for condominiums that operate in a manner similar to hotels and motels, and is now proposing language to create exemption for these type of facilities. While in form the new language appears to create such an exemption, in reality the new criteria established will create the opposite effect and will substantially limit the ability for condominiums that operate in a manner similar to hotels and motels to obtain the exemption the Commission is seeking to create.
3. The summary of the proposed order indicates that the amendment would eliminate the requirement that the occupancy units in certain new and existing residential condominiums and cooperatives that operate like hotels and motels be individually metered for their electricity usage. However, the rule change actually limits the exemption to those facilities ~~where 95% of~~

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their units are used solely for overnight occupancy. Power Check believes this criteria is discriminatory against other facilities that operate similar to hotels and motels. As the rule now reads, those facilities that operate similar to hotels and motels would be exempted from the individual metering requirement. In granting several of the waivers in recent years the Commission has indicated that the facility must maintain all or substantially all of its units for temporary occupancy. The new rule would now limit the exemption and exclude those condominiums where 94%, or 93%, or 92%, etc. were used for temporary occupancy.

4. The amendment also forces any condominium seeking the exemption to include the 95% criteria stated above in its declaration of condominium. In reality this criteria further restricts the possibility of exemptions for condominiums in the future. The reason is that this statement in a declaration of condominium in essence makes the condominium a forced overnight rental facility resulting in the sale of securities rather than the sale of condominiums.

5. In addition, the language change while supposedly created to reduce the need for waivers will most likely have the opposite effect. With increased restrictions on the exemption, and additional regulatory requirements, the need for filing with the Commission for waivers will be increased rather than decreased.

6. Wherefore, Power Check respectfully requests the Commission grant its request for a hearing in this matter.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing Request for Hearing has been furnished this 6th day of June, 2006 to the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Blvd, Tallahassee, Fl 32399-0862.

MARC D. MAZO

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