

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of residential load control program by Florida Power & Light Company. | DOCKET NO. 070350-EG
| ORDER NO. PSC-07-0560-PCO-EG
| ISSUED: July 5, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
MATTHEW M. CARTER II
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

ORDER SUSPENDING LOAD CONTROL PILOT PROJECT

BY THE COMMISSION:

This Commission approved closure to new customers of Florida Power & Light Company's (FPL) residential load management tariff, On-Call, and approved implementation of a new Residential Load Control Pilot Project (Pilot Project) by Order No. PSC-03-0322-TRF-EG, issued March 6, 2003, in Docket No. 030051-EG.¹ The Residential Load Control Pilot Project was set to expire April 1, 2006. Order No. PSC-06-034-PCO-EG,² issued April 24, 2006, extended the Pilot until August 31, 2007, in order to allow FPL to analyze the data from the Pilot Project. That Order also required FPL to file its analysis and projections for the Pilot Project with this Commission no later than June 1, 2007. By petition dated May 31, 2007, FPL presented its analysis and requested that the Pilot Project be approved as a permanent program. The purpose of this Order is to suspend the tariff. We have jurisdiction pursuant to Sections 366.04 and 366.05, Florida Statutes.

Our staff requires additional time to review the data submitted by FPL to justify permanent adoption of the Pilot Project. While some level of detail on the performance of the Pilot Project is presented in the petition, it will likely require additional discussion and analysis, prior to making a determination on the permanent adoption of the tariff as proposed. Section 366.06(3), Florida Statutes, allows us to suspend a tariff for good cause, and we believe that good cause has been shown here.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Power & Light Company's Residential Load Control Pilot Project is hereby suspended. It is further

¹ Docket No. 030051-EG, Petition for modification Residential On-Call Program and Approval of residential load control pilot project by Florida Power & Light

² Docket No. 060174-EG, Petition for extension of Residential Load Control Pilot by Florida Power & Light

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission this 5th day of July, 2007.



ANN COLE
Commission Clerk

(S E A L)

KEF

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, 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 or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.