

MESSER CAPARELLO & SELF, P.A.

Attorneys At Law

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August 10, 2007

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BY HAND DELIVERY

Ms. Ann Cole, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 070304-EI

Dear Ms. Cole:

Enclosed for filing on behalf of Florida Public Utilities Company are an original and 15 copies of Florida Public Utilities Company's Amended Petition for Waiver of Portions of Rule 25-6.043, Florida Administrative Code, in the above referenced docket.

Please acknowledge receipt of this letter by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely yours,

Norman H. Horton, Jr.

- CMP _____
- COM _____
- CTR _____
- ECR _____
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- SGA _____
- SEC _____
- OTH _____

cc: Joint Administrative Procedures Committee
Ms. Cheryl M. Martin
Parties of Record

DOCUMENT NUMBER - DATE
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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Florida Public Utilities Company's)
Petition for Rate Increase — Waiver of)
Portions of Rule 25-6.043, Florida)
Administrative Code)
_____)

Docket No. 070304-EI
Date Filed: August 10, 2007

ORIGINAL

**AMENDED PETITION FOR WAIVER OF PORTIONS OF
RULE 25-6.043, FLORIDA ADMINISTRATIVE CODE**

COMES NOW Florida Public Utilities Company ("FPUC"), and amends its Petition for Waiver of portions of Rule 25-6.043(1), Florida Administrative Code and as basis would show:

1. The name and address of Petitioner is:

Florida Public Utilities Company
Post Office Box 3395
West Palm Beach, Florida 33402-3395

2. The name and address of those authorized to receive notices and communications with respect to this Petition are:

Norman H. Horton, Jr.
Messer, Caparello & Self, P. A.
2618 Centennial Place
Post Office Box 15579
Tallahassee, FL 32317-5579

Ms. Cheryl Martin
Controller
Florida Public Utilities Company
P.O. Box 3395
West Palm Beach, Florida 33402-3395

3. On June 13, 2007, FPUC filed a Petition for Waiver with the Florida Public Service Commission pursuant to Section 120.542, Florida Statutes, and Rule 28-104.002, Florida Administrative Code. In that Petition, FPUC sought a waiver of portions of Rule 25-6.043, Florida Administrative Code, Investor-Owned Electric Utility Minimum Filing Requirements ("MFRs"). The FPSC requires utilities subject to their regulation to submit MFRs with petitions for rate relief. The schedules contain detailed accounting, engineering, rate, cost of capital and similar data which is used by the FPSC as part of its review and analysis of the requested relief.

4. FPUC had requested a waiver/variance from several of the schedules in an effort to facilitate the preparation and review of the schedules and to reduce some of the expense involved with preparing the schedules. With this Amendment FPUC would withdraw the requested waivers/variances except as to Schedules C-37 through C-41.

5. Schedules C-37 through C-41 are "benchmark" related schedules providing a comparison of actual expenses to a calculated expense which has been expanded by the CPI for a period of years. FPUC would provide this information but requests a variance of the schedules to require that the schedules be presented through the historic year 2006 rather than through the projected 2008 test year. The projected test year is based upon 2006 which will be actual data, thus easier to analyze when applying the CPI factors. The projection methods and assumptions related to the projected test year will be detailed in the schedules and available for review. Providing the benchmark schedules through the 2006 historic period will reduce administrative costs of preparing the schedules and the Commission will still have the necessary data and information to use in analyzing and comparing actual and calculated results.

For the reasons given, FPUC would request that the Commission approve the Amended Petition and grant the waiver/variance of the referenced MFR schedules.

Respectfully submitted,

MESSER, CAPARELLO & SELF, P. A.
Post Office Box 15579
Tallahassee, FL 32317-5579
(850) 222-0720


NORMAN H. HORTON, JR., ESQ.

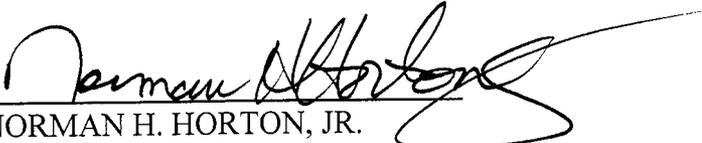
Attorneys for Florida Public Utilities Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by U. S. Mail this 10th day of August, 2007 upon the following:

Katherine Fleming
Martha Brown
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Patricia A. Christensen, Esq.
Office of the Public Counsel
c/o The Florida Legislature
111 West Madison St., Rm 812
Tallahassee, FL 32399-1400


NORMAN H. HORTON, JR.