

Marguerite McLean

090002 - EG

From: John W. McWhirter [jmcwhirter@mac-law.com]
Sent: Friday, October 30, 2009 4:59 PM
To: Filings@psc.state.fl.us
Subject: Dkt 090002-EI Joint Motion to reconsider
Attachments: Jt motion to reconsider dropping issue.doc

1. John W. McWhirter, Jr., 400 N. Tampa St. Tampa, FL 33602, jmcwhirter@mac-law.com is the person responsible for this electronic filing;
2. The filing is to be made in Docket 090002-EG
3. The filing is made on behalf of the Florida Industrial Power Users Group and others;
4. The total number of pages is 3 and
5. The attached document is Motion for reconsideration of action dropping issue

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DOCUMENT NUMBER-DATE

11027 OCT 30 8

10/30/2009

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Energy Conservation Cost)
Recovery Clause)
_____)

Docket No. 090002-EG

Date: October 30, 2009

**JOINT MOTION TO REINSTATE AND RESOLVE ISSUE 8
OF THE PREHEARING ORDER**

Florida Progress, PCS Phosphate and FIPUG through their undersigned attorneys respectfully move the Commission to reconsider the action dropping Issue 8 from the Prehearing Order and instead approve the following stipulation:

The non-fuel energy, demand, and customer charges are appropriately reviewed as part of a utility's base rate proceeding. The credits applied to an interruptible customer's bills are appropriately reviewed as part of the Commission's review of any utility filed demand-side management (DSM) program modifications. The Commission is currently scheduled to review utility DSM program modifications subsequent to establishing new DSM goals in Docket Nos. 080407-EG through 080413-EG. The current credits to interruptible customers will remain in effect until the Commission reviews and approves a utility's DSM program modifications. In the event the Commission determines to eliminate the IS-1, IST-1 rate schedules in Docket 900079-EI, to maintain the status quo the parties agree that the appropriate credit for the IS-2, IST-2 credit

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

shall be \$5.65 (subject to load factor adjustments) until such time as a final decision is rendered in Docket 080408-EI

Respectfully submitted this 30th day of October, 2009.

s/ John T. Burnett
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s/James W Brew
PCS Phosphate

s/John W. McWhirter, Jr McWhirter
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CERTIFICATE OF SERVICE
Docket No. 090002-EG

I HEREBY CERTIFY that a true and correct copy of the forgoing has been furnished by electronic mail this 30th day of October, 2009 to the following:

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