

Dorothy Menasco

100206-52

From: beth.keating@akerman.com
Sent: Thursday, April 22, 2010 2:31 PM
To: Filings@psc.state.fl.us
Cc: Jennifer Brubaker
Subject: New Filing/Undocketed - Petition of Florida Public Utilities for Limited Waiver
Attachments: 20100422142343303.pdf

Attached for filing, please find the Petition for Limited Waiver of Florida Public Utilities Company. Please do not hesitate to contact me if you have any questions.

Sincerely,
 Beth Keating
 Akerman Senterfitt
 (850) 224-9634
 (850) 521-8002 (direct)
 beth.keating@akerman.com

A. Person Responsible for this Filing:

Beth Keating
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B. New Filing/Undocketed: Petition of Florida Public Utilities Company for Limited Waiver of Filing Requirement in Order No. PSC-08-0327-FOF-EI and Rule 25-6.0342(2), F.A.C.

C. Filed on behalf of: Florida Public Utilities Company

D. Pages: 6

E. Petition for Limited Waiver



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03206 APR 22 09

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April 22, 2010

Electronic Filing

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

New Filing

In re: Petition of Florida Public Utilities Company for Limited Waiver of Filing Requirement in Order No. PSC-08-0327-FOF-EI and Rule 25-6.0342(2), Florida Administrative Code.

Dear Ms. Cole:

On behalf of Florida Public Utilities Company (FPUC), attached for filing, please find the Company's Petition for Limited Waiver of Filing Requirement in Order No. PSC-08-0327-FOF-EI and Rule 25-6.0342(2), Florida Administrative Code.

Thank you for your assistance with this filing. If you have any questions whatsoever, please do not hesitate to contact me.

Sincerely,

Beth Keating
106 East College Avenue, Suite 1200
Tallahassee, FL 32302-1877
Phone: (850) 521-8002

Enclosures

cc: Jennifer Brubaker, Office of the General Counsel
Joint Administrative Procedures Committee

DOCUMENT NUMBER-DATE
03206 APR 22 09
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Public Utilities)
Company for Limited Waiver of Filing)
Requirement in Order No. PSC-08-0327-FOF-EI)
and Rule 25-6.0342(2), Florida Administrative Code)
_____)

Docket No. 100206

Filed: April 22, 2010

PETITION FOR LIMITED WAIVER OF FILING REQUIREMENT IN ORDER NO. PSC-08-0327-FOF-EI AND RULE 25-6.0342(2), FLORIDA ADMINISTRATIVE CODE

Florida Public Utilities Company ("FPUC" or "Company"), by and through its undersigned attorney, hereby respectfully requests a limited waiver of the provision in Order No. PSC-08-0327-FOF-EI, requiring FPUC to file its updated 2010 Electric Infrastructure Storm Hardening Plan (2010 Storm Hardening Plan) by May 1, 2010. To the extent that the Commission's Order interprets and applies Rule 25-6.0342(2), Florida Administrative Code, to require the May 1, 2010, filing date, FPUC also seeks a limited waiver of this provision of the Commission's Rule.

In support of this Petition, FPUC states:

1. The Company is a utility with its principal office located at:

Florida Public Utilities Company
401 South Dixie Highway
West Palm Beach, FL 33401

2. The name and mailing address of the persons authorized to receive notices are:

Beth Keating
Akerman Senterfitt
106 East College Avenue
Suite 1200
Tallahassee, Florida 32301

Mr. P. Mark Cutshaw
Florida Public Utilities Company
P.O. Box 418
Fernandina Beach, FL 32035-
0418

3. By this Petition, FPUC seeks an extension of the May 1, 2010 deadline set forth in Order No. PSC-08-0327-FOF-EI for filing the Company's updated 2010 Storm Hardening Plan.

FPUC asks that it be allowed to file its 2010 Storm Hardening Plan on or before July 2, 2010.

4. Pursuant to Rule 25-6.0342(2), Florida Administrative Code, utilities were required to file their initial Electric Infrastructure Storm Hardening Plans by May 7, 2007. In Docket No. 070300-EI, FPUC sought, and was granted, a waiver allowing it to file its initial Electric Infrastructure Storm Hardening Plan on or before July 6, 2007. FPUC thereafter filed its 2007 Electric Infrastructure Storm Hardening Plan for approval on July 3, 2007.
4. The Commission approved FPUC's 2007 Electric Infrastructure Storm Hardening Plan by Order No. PSC-08-0327-FOF-EI, issued May 19, 2008. In that same Order, the Commission referenced Rule 25-6.0342, F.A.C., to also specifically require FPUC to file its updated Storm Hardening Plan by May 1, 2010.¹
5. Rule 25-6.0342(2), Florida Administrative Code, provides as follows:

(2) Storm Hardening Plans. Each utility shall, no later than 90 days after the effective date of this rule, file with the Commission for its approval a detailed storm hardening plan. Each utility's plan shall be updated every 3 years, unless the Commission, on its own motion or on petition by a substantially affected person or utility, initiates a proceeding to review and, if appropriate, modify the plans. In a proceeding to approve a utility's plan, the Commission shall consider whether the utility's plan meets the desired objectives of enhancing reliability and reducing restoration costs and outage times in a prudent, practical, and cost-effective manner to the affected parties. [Emphasis added].

To be clear, FPUC only seeks a waiver of Rule 25-6.0342(2), Florida Administrative Code, to the extent that the Commission's Order No. PSC-08-0327-FOF-EI applies the Rule to require FPUC to file its updated Plan on May 1, 2010.

6. Specifically, FPUC seeks an extension of time to allow it to file its 2010 Electric Infrastructure Storm Hardening Plan on or before July 2, 2010. The additional time

¹ See Order PSC-08-0327-FOF-EI, issued in Dockets 070300-EI and 070304-EI, at p. 67.

requested will enable the Company to fully develop the overall costs for the hardening projects for 2010-2012, as well as the justifications for changes to its pole inspection program.

7. FPUC submits that this request is not inconsistent with Rule 25-6.0342(2), Florida Administrative Code, which provides that utilities shall update their storm hardening plans every 3 years. A July 2, 2010 filing date would be consistent with a 3-year update to the 2007 Electric Infrastructure Storm Hardening Plan filed by the Company on July 3, 2007.
8. FPUC further states that it would face an undue hardship if required to file its 2010 Plan by May 1, 2010. Without an extension of time, significant Company resources will have to be diverted to completion of the filing by May 1, 2010, which would impair other critical areas of FPUC's operations.
9. FPUC contends that it will otherwise meet the intent of the Commission's Order, as well as Rule 25-6.0342, F.A.C., and the underlying statutes, Sections 366.04 and 366.05, Florida Statutes, by filing its updated plan within 3 years of its prior plan, and by ensuring that the updated plan is fully developed to meet the requirements of the Rule.
10. FPUC further states that granting this request for limited waiver to extend the date for filing FPUC's 2010 Storm Hardening Plan will not impair FPUC's ability to participate in a constructive and meaningful way at the Commission's May 17, 2010 Hurricane Season Preparation Briefing.

WHEREFORE, Florida Public Utilities Company asks that the Commission grant its request for limited waiver and allow the Company to file its 2010 Electric Infrastructure Storm Hardening Plan on or before July 2, 2010.

RESPECTFULLY SUBMITTED this 22nd day of April, 2010.



Beth Keating

Akerman Senterfitt Attorneys at Law
106 East College Avenue, Suite 1200
Tallahassee, FL 32301
(850) 224-9634

Attorneys for Florida Public Utilities Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by electronic mail (*) or U.S. Mail this 22nd day of April, 2010 upon the following:

Jennifer Brubaker, Esq.*
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Administrative Procedures Committee
Room 120, Holland Building
600 S. Calhoun St.
Tallahassee, FL 32399-1300



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