

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of revised
underground residential and commercial
differential tariffs, by Florida Power & Light
Company. | DOCKET NO. 100166-EI
ORDER NO. PSC-10-0353-PCO-EI
ISSUED: June 4, 2010

The following Commissioners participated in the disposition of this matter:

NANCY ARGENZIANO, Chairman
LISA POLAK EDGAR
NATHAN A. SKOP
DAVID E. KLEMENT
BEN A. "STEVE" STEVENS III

ORDER SUSPENDING TARIFFS

BY THE COMMISSION:

Background

On April 1, 2010, Florida Power & Light Company (FPL) filed a petition for our approval of revisions to its Underground Residential Distribution (URD) Tariff Sheet Nos. 6.090, 6.095, 6.100, 6.110, 6.115, 6.120, 6.125, 6.130, and 9.715, and their associated charges. In conjunction, FPL also petitioned for approval of its Underground Commercial/Industrial Distribution (UCD) Tariff Sheets No. 6.510, 6.520, 6.530, and 6.540, and their associated charges. The URD and UCD tariffs apply to new residential and commercial developments and represent the additional costs FPL incurs to provide underground distribution service in place of overhead service.

Rule 25-6.078(2), Florida Administrative Code (F.A.C.), requires investor-owned electric utilities (IOUs) to file updated URD charges for our approval at least every three years, or sooner if a utility's underground cost differential for the standard low-density subdivision varies from the last approved charge by 10 percent or more. The rule requires IOU's to file on or before October 15 of each year a schedule showing the increase or decrease in the differential for the low-density subdivision. On October 15, 2009, FPL notified us, pursuant to Rule 25-6.078(2), F.A.C., its underground cost differential for standard low-density subdivision decreased from the last approved differential by 46 percent.

FPL's current URD charges were approved by Order No. PSC-10-0247-FOF-EI,¹ issued April 22, 2010. The revised tariff sheets appended to this Petition reflect the changes agreed to

¹ We approved FPL's proposed settlement agreement in Docket Nos. 070231-EI, 080244-EI (which is the primary docket), and 080522-EI, and associated Tariff Sheet Nos. 6.100, 6.300, and 9.725, at the April 6, 2010, Agenda Conference.

DOCUMENT NUMBER-DATE

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and documented by the Settlement relative to the overhead versus underground operational cost differential, along with the additional changes required by and consistent with the "10 percent or more" filing requirement. Unlike FPL's URD tariffs, the UCD tariffs are not governed by Rule 25-6.078, F.A.C.; however, FPL has incorporated the cost effects of storm hardening its overhead system into the calculation of its UCD charges.

We have jurisdiction over this matter pursuant to Sections 366.03, 366.04, 366.05, and 366.06, Florida Statutes (F.S.).

Suspension of Tariffs

FPL has submitted proposed tariff sheets Nos. 6.090, 6.095, 6.100, 6.110, 6.115, 6.120, 6.125, 6.130, and 9.715, regarding construction of underground residential development for approval. Further, FPL has submitted proposed tariff sheets Nos. 6.510, 6.520, 6.530, and 6.540, regarding construction of underground commercial/industrial facilities.

Pursuant to Section 366.06(3), F.S., we may withhold consent to the operation of all or any portion of a new rate schedule, delivering to the utility requesting such increase a reason or written statement of good cause for doing so within 60 days. We find that our staff needs more time to review the petition and gather all pertinent information in order to provide us with an informed recommendation on these tariffs, and that this is good cause for suspending the tariffs. Therefore, the proposed tariffs shall be suspended.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Power & Light Company's proposed Underground Residential and Commercial Distribution Tariffs and their associated charges shall be suspended. It is further

ORDERED that this docket shall remain open pending our final decision on the proposed tariff revisions.

By ORDER of the Florida Public Service Commission this 4th day of June, 2010.



ANN COLE
Commission Clerk

(S E A L)

RRJ

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 25-22.0376, 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.