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State of Florida



Public Service Commission
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TALLAHASSEE, FLORIDA 32399-0850

COMMISSION
CLERK

-M-E-M-O-R-A-N-D-U-M-

DATE: February 24, 2011

TO: Office of Commission Clerk (Cole)

FROM: Division of Economic Regulation (A. Roberts, Draper)
Office of the General Counsel (Young)
Division of Regulatory Analysis (Garl)

Handwritten initials and signatures: ar, ED, JC, CW, CS, and a circled 'm'.

RE: Docket No. 110031-EG – Petition for approval of residential service dynamic price response pilot rate by Florida Power & Light Company.

AGENDA: 03/08/11 – Regular Agenda – Tariff Filing – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Administrative

CRITICAL DATES: 03/15/11 (60-Day Suspension Date)

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\ECR\WP\110031.RCM.DOC

Case Background

On January 14, 2011, Florida Power & Light Company (FPL) petitioned the Commission for approval of its proposed Residential Service Dynamic Price Response Pilot Rate (“Pilot Rate”) program and associated Tariff Sheets Nos. 8.220 and 8.030.2. The Pilot Rate program proposed by FPL is an effort to fulfill its commitment under the terms of a grant FPL was awarded by the Department of Energy. The \$200 million grant, which is stimulus funds from the American Recovery and Reinvestment Act (ARRA), was awarded to FPL for the implementation of its Energy Smart Florida (ESF) In-Home Technology Project (the Project). The Commission has jurisdiction over this matter pursuant to Section 366.06(1), Florida Statutes.

DOCUMENT NUMBER-DATE

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Discussion of Issues

Issue 1: Should FPL's petition for approval of its proposed Residential Service Dynamic Price Response Pilot Rate (Pilot Rate), and the associated tariff sheets Nos. 8.220, and 8.030.2, be suspended pending a final decision in this docket?

Recommendation: Yes. The Pilot Rate program and its associated tariff sheets should be suspended, to allow staff sufficient time to review the petition and gather all pertinent information in order to present the Commission with an informed recommendation. (A. Roberts, Draper, Garl)

Staff Analysis: Pursuant to Section 366.03(3), Florida Statutes, the Commission may withhold consent to the operation of all or any portion of the new rate schedules, delivering to the utility requesting such increase a reason or written statement of good cause for doing so with in 60 days. Staff is recommending that the Pilot Rate program and its associated tariff sheets, be suspended to allow staff sufficient time to review the petition and gather all pertinent information in order to present the Commission with an informed recommendation. Staff believes the reason stated above is good cause consistent with the requirement of Section 366.06(3), Florida Statutes.

Issue 2: Should this docket be closed?

Recommendation: No. This docket should remain open pending the Commission's final decision on the proposed Residential Service Dynamic Price Response Pilot Rate and its associated tariffs. (Young)

Staff Analysis: This docket should remain open pending the Commission's final decision on the Pilot Rate and its associated tariffs.