

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

DATE: September 3, 2013
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Kathryn Gale Winter Cowdery, Senior Attorney, Office of the General Counsel
RE: Docket No. 130168-EU, Rule Certification Packet for Rule 25-17.006, F.A.C.

Please enter the attached document in the above mentioned docket number.

Thank you

RECEIVED-FPSC
13 SEP -3 AM 9:14
COMMISSION
CLERK

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STATE OF FLORIDA



GENERAL COUNSEL
S. CURTIS KISER
(850) 413-6199

Public Service Commission

September 3, 2013

Ms. Liz Cloud
Florida Department of State
Administrative Code and Register Section
Room 701, the Capitol
Tallahassee, FL 32399-0250

VIA HAND DELIVERY

Re: Rule Certification Packet for Rule 25-17.006, F.A.C.

Docket No. 130168-EU

Dear Ms. Cloud:

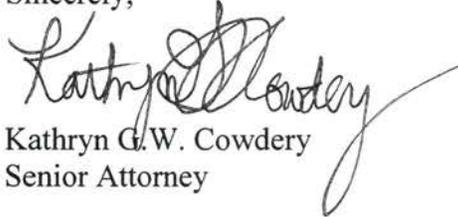
Enclosed for filing is a complete rule certification packet for Rule 25-17.006, F.A.C., consisting of:

- (1) One compact disc containing the coded text of the rule;
- (2) There are no materials incorporated by reference into this rule.
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the coded text of the rule, including the legal citations and history notes;
- (5) One original and two copies of the summary of the rule;
- (6) One original and two copies of the detailed written statement of the facts and circumstances justifying the rule; and
- (7) One original and two copies of the summary of the hearings held on the rule.

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Please let me know if you have any questions. The contact name and information for this rule are Kathryn G.W. Cowdery, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0250, (850) 413-6216, kcowdery@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathryn G.W. Cowdery". The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Kathryn G.W. Cowdery
Senior Attorney

Enclosures

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

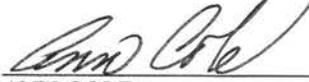
Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No.

25-17.006

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



ANN COLE

Commission Clerk
Title _____
Number of Pages Certified 2

25-17.006 Electric Utility System Conservation End Use Data.

(1) **PURPOSE:** The purpose of this rule is to provide for the periodic submission of certain conservation information and other related information to the Commission. Applications of this rule include:

- (a) Gathering information to review and revise conservation goals pursuant to Rule 25-17.0021, F.A.C.;
- (b) Gathering information to estimate the potential kilowatt hour (KWH) and kilowatt demand (KW) savings achievable through various conservation measures and conservation technologies; and
- (c) Gathering information to enable the Commission to analyze conservation alternatives to mitigate the need to construct new power plants in Florida.

(2) **APPLICABILITY:** This rule shall apply to all electric utilities that fall under the definition of "utility" in Section 366.82(1), F.S.

(3) **SURVEY YEAR:** In order to accomplish the purpose of this rule, starting with calendar year 1998 and every four years thereafter, 1,350 residential customer accounts throughout Florida shall be surveyed to collect information on appliance stock, housing characteristics, household demographic characteristics, and twelve months of kilowatt hour billing history.

(4) **METHODOLOGY:** For the purposes of obtaining the data described in subsection (3), each utility shall interview its proportionate share of residential customers to yield a total of 1,350 usable, complete observations for the state.

(a) By November 1st prior to the survey year each utility shall provide to the Director of the Division of Economic Regulation its total number of residential customers of record as of June 30th prior to the survey year.

(b) By January 15 of the survey year the Director of the Division of Economic Regulation shall allocate the number of customer accounts for which each utility must conduct a field interview based on the information submitted pursuant to paragraph (4)(a).

(5) By January 15th of the survey year, the Commission shall prescribe the survey instrument each utility must use to gather the information on appliance stocks, housing characteristics, household demographic characteristics, and twelve months of KWH billing history. Nothing in this paragraph shall be construed to prohibit an electric utility from adding additional questions to its own survey.

(6) Each utility shall draw a random sample of residential customers who meet the following requirements:

- (a) Customers must be customers of record as of July 1st of the survey year.

~~(b) Customers must have been continuously billed during each month of the 12-month period starting July 1st of the year prior to the survey year.~~

~~(c) Seasonal customers billed in accordance with paragraph (6)(b) may be counted toward the required number of sample customers.~~

~~(d) Each utility shall make at least four attempts to arrange a survey interview with each customer drawn from its random sample of customer accounts. Each utility must make attempts to arrange survey interviews during evenings and weekends. Evening and weekend field interviews shall be conducted for those customers normally not available during weekdays from 8:00 a.m. to 5:00 p.m. Only after four attempts to arrange an interview have been made shall another customer be drawn at random from the utility's list of customers.~~

~~(7) RESULTS: Each utility shall report the survey information and billing history on each individual respondent to the Commission on or before December 1st of the calendar year in which the survey is conducted. This information shall be reported such that no individual customer's identity can be determined. The information reporting format shall be prescribed by the Director of the Division of Economic Regulation prior to April 1st of the survey year. The medium for reporting the information shall be a three and one half inch computer diskette using an ASCII delimited database structure unless another medium is approved in writing by the Director of the Division of Economic Regulation.~~

~~Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1), 366.82 FS. History New 6-14-82; Amended 1-20-85, Formerly 25-17.06, Amended 9-7-87, 5-10-93, 3-7-94, 3-17-98, Repealed _____.~~

SUMMARY OF THE RULE

The purpose of Rule 25-17.006, F.A.C., is to provide for the periodic collection of data on the characteristics of the residential housing inventory in Florida. The information was designed to be used in establishing energy conservation goals.

WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The purpose of the repeal is to eliminate duplicative submission of conservation information by the utilities. The rule has become obsolete by requiring information which is duplicative of data available to the Commission through other sources, including the Commission's Section 366.82(3)F.S., demand-side management goal-setting process, the utilities' periodic customer surveys, residential customer on-site and on-line audits conducted by the utilities, and governmental sources.

Repeal of Rule 25-17.006, F.A.C., will enhance reporting efficiencies regarding the submission of conservation information and will provide economic savings for utilities and customers by eliminating duplicative reporting requirements. Repeal of the rule should result in reduced administrative costs to the utilities associated with reporting this duplicative information, and therefore reduced costs passed on to utilities' customers which may include small businesses, small counties and cities, and state and local governments.

SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.