

AUSLEY McMULLEN

ATTORNEYS AND COUNSELORS AT LAW

123 SOUTH CALHOUN STREET
P.O. BOX 391 (ZIP 32302)
TALLAHASSEE, FLORIDA 32301
(850) 224-9115 FAX (850) 222-7560

August 19, 2016

VIA: ELECTRONIC FILING

Ms. Carlotta S. Stauffer
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

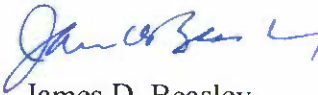
Re: Energy Conservation Cost Recovery Clause
FPSC Docket No. 160002-EG

Dear Ms. Stauffer:

Attached for filing in the above-styled docket on behalf of the Electric Investor-owned utilities Florida Power & Light Company, Duke Energy Florida, LLC, Tampa Electric Company and Gulf Power Company is a Joint Petition for Waiver of Rule 25-17.015(1)(b), F.A.C.

Thank you for your assistance in connection with this matter.

Sincerely,


James D. Beasley

JDB/pp
Attachment

cc: All Parties of Record (w/attachment)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 160002-EG

FILED: August 19, 2016

JOINT PETITION FOR WAIVER OF RULE 25-17.015(1)(b), F.A.C.

Electric Investor-owned utilities Florida Power & Light Company ("FPL"), Duke Energy Florida, LLC ("DEF"), Tampa Electric Company ("Tampa Electric") and Gulf Power Company ("Gulf") (collectively, the IOUs), hereby jointly petition the Florida Public Service Commission ("Commission"), pursuant to Section 120.542, Florida Statutes and Rule 28-104.002, F.A.C., for a waiver of Rule 25-17.015(1)(b), Florida Administrative Code, and as grounds therefor, say:

1. Rule 25-17.015(1)(b) calls for the filing of an annual estimated/actual true-up filing showing eight months actual and four months projected common costs, individual program costs, and any revenues collected. The subject Rule is implementing provisions within Chapter 366, Florida Statutes, specifically including Sections 366.80-366.85, Florida Statutes.

2. Given the due date for the actual/estimated true-up filing of August 19, 2016, it is not possible for the IOUs to prepare their actual/estimated filings based on eight months of actual and four months of projected data. The IOUs can prepare their filings on the basis of six months of actuals and six months of projections. Accordingly, the IOUs request a waiver of the rule to allow their filings to be based on six months of actual and six months of projected data.

3. Section 120.542(2), Florida Statutes, provides that variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of a rule would create a substantial hardship or would violate principles of fairness. The IOUs believe that filings

based on six months of actual and six months of projected data are a reasonable means of achieving the purpose of the statutes implemented by Rule 25-17.015(1)(b), Florida Administrative Code. Further, the IOUs submit that the impossibility of submitting their filings on the basis of eight months of actual data and four months of projected data by the due date called for in this docket creates a substantial hardship for each of them.

4. The IOUs understand that a rule change regarding Rule 25-17.015(1)(b), Florida Administrative Code may be proposed. Accordingly, the IOUs ask that the requested waiver be granted for a period of two years, covering the upcoming August filing and the same filing next year, in order to allow time for the rulemaking proceeding to be completed.

5. The IOUs are not aware of any disputed issues of material fact regarding the matters addressed or the relief requested in this petition.

WHEREFORE, FPL, DEF, Tampa Electric and Gulf respectfully request a two-year waiver of Rule 25-17.015(1)(b), Florida Administrative Code, to allow them to submit their conservation cost recovery filings on the basis of six months of actual and six months of projected data,

DATED this 19th day of August 2016.

Respectfully submitted,

/s/ Kenneth M. Rubin

KENNETH M. RUBIN
Senior Counsel
Florida Power & Light Company
700 Universe Boulevard (LAW/JB)
Juno Beach, FL 33408-0420
(561) 691-2512
ken.rubin@fpl.com

ATTORNEY FOR FLORIDA
POWER & LIGHT COMPANY

/s/ James D. Beasley

JAMES D. BEASLEY
J. JEFFRY WAHLEN
ASHLEY M. DANIELS
Ausley McMullen
Post Office Box 391
Tallahassee, FL 32302
(850) 224-9115
jbeasley@ausley.com

ATTORNEYS FOR TAMPA
ELECTRIC COMPANY

/s/ Matthew R. Bernier

MATTHEW R. BERNIER
Duke Energy Florida, LLC
106 E. College Avenue, Suite 800
Tallahassee, FL 32301-7740
(850) 521-1428
matthew.bernier@duke-energy.com

ATTORNEY FOR DUKE
ENERGY FLORIDA, LLC

/s/ Steven R. Griffin

STEVEN R. GRIFFIN
Beggs & Lane
Post Office Box 12950
Pensacola, FL 32591-2950
(850) 432-2451
srg@beggslane.com

ATTORNEY FOR GULF POWER
COMPANY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Joint Petition for Rule Waiver, filed on behalf of the IOUs, has been furnished by electronic mail on this on this 19th day of August 2016 to the following:

Ms. Lee Eng Tan
Senior Attorney
Office of General Counsel
Florida Public Service Commission
Room 390Q – Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
ltan@psc.state.fl.us

Ms. Patricia A. Christensen
Associate Public Counsel
Office of Public Counsel
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
christensen.patty@leg.state.fl.us

Ms. Dianne M. Triplett
Duke Energy Florida, Inc.
299 First Avenue North
St. Petersburg, FL 33701
dianne.triplett@duke-energy.com

Mr. Kenneth Hoffman
Vice President, Regulatory Relations
Florida Power & Light Company
215 South Monroe Street, Suite 810
Tallahassee, FL 32301-1858
ken.hoffman@fpl.com

Mr. Jeffrey A. Stone
Mr. Russell A. Badders
Beggs & Lane
Post Office Box 12950
Pensacola, FL 32591-2950
jas@beggslane.com
rab@beggslane.com

Mr. John T. Butler
Florida Power & Light Company
700 Universe Boulevard (LAW/JB)
Juno Beach, FL 33408-0420
john.butler@fpl.com

Mr. Jon C. Moyle, Jr.
Moyle Law Firm
118 N. Gadsden Street
Tallahassee, FL 32301
jmoyle@moylelaw.com

Ms. Beth Keating
Gunster, Yoakley & Stewart, P.A.
215 South Monroe Street, Suite 601
Tallahassee, FL 32301-1839
bkeating@gunster.com

Mr. Mike Cassel
Regulatory and Governmental Affairs
Florida Public Utilities Company
Florida Division of Chesapeake Utilities Corp.
1750 SW 14th Street, Suite 200
Fernandina Beach, FL 32034
mcassel@fpuc.com

Mr. Robert L. McGee, Jr.
Regulatory and Pricing Manager
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780
rlmcgee@southernco.com

Mr. James W. Brew
Ms. Laura A. Wynn
Stone Mattheis Xenopoulos & Brew, PC
1025 Thomas Jefferson Street, NW
Eighth Floor, West Tower
Washington, D.C. 20007-5201
jbrew@smxblaw.com
laura.wynn@smxblaw.com

/s/ James D. Beasley

ATTORNEY