

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-**

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**DATE:** May 19, 2005

**TO:** Director, Division of the Commission Clerk & Administrative Services (Bayó)

**FROM:** Division of Economic Regulation (Draper, Breman)  
Office of the General Counsel (Brown)

**RE:** Docket No. 050226-EI – Petition for approval of 2005 revisions to underground residential and commercial distribution tariff, by Florida Power & Light Company.

**AGENDA:** 05/31/05 – Regular Agenda – Tariff Filing – Interested Persons May Participate

**CRITICAL DATES:** 05/31/05 (60-Day Suspension Date)

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\ECR\WP\050226.RCM.DOC

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### Case Background

On April 1, 2005, Florida Power & Light Company (FPL) filed a Petition for Approval of 2005 Revisions to Florida Power & Light Company's Underground Residential and Commercial Distribution Tariff. This is staff's recommendation to suspend the tariff revisions.

The Commission has jurisdiction over the subject matter pursuant to Sections 366.04 and 366.05, Florida Statutes.

### **Discussion of Issues**

**Issue 1:** Should FPL's proposed underground residential and commercial distribution tariffs and their associated charges be suspended?

**Recommendation:** Yes. (Draper, Breman)

**Staff Analysis:** On April 1, 2005, FPL filed a petition for approval of revised residential and commercial underground distribution tariffs and their associated charges. Staff is recommending that the tariff be suspended to allow staff sufficient time to review the petition in order to present the Commission an informed recommendation on the tariff proposal.

Pursuant to Section 366.06(3), Florida Statutes, the Commission 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. Staff believes that the reason stated above is good cause for suspension consistent with the requirement of Section 366.06(3), Florida Statutes.

**Issue 2:** Should this docket be closed?

**Recommendation:** No. (Brown)

**Staff Analysis:** This docket should remain open pending the Commission vote on the proposed tariff revision.