

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: June 19, 2008

TO: Office of Commission Clerk (Cole)

FROM: Division of Economic Regulation (Sickel, Kummer)
Office of the General Counsel (Hartman)

RE: Docket No. 080283-EQ – Petition for approval of revisions to renewable energy tariff, by Florida Public Utilities Company.

AGENDA: 07/01/08 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Administrative

CRITICAL DATES: 07/18/08 (60-Day Suspension Date)

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\ECR\WP\080283.RCM.DOC

Case Background

On February 22, 2007, the Commission adopted amendments to Rule 25-17.0832, Florida Administrative Code, and new Rules 25-17.200-25-17.310, Florida Administrative Code, relating to renewable generating facilities. The new rules require each investor-owned utility (IOU) to file with the Commission by April 1 of each year a standard offer contract for the purchase of firm capacity and energy from renewable generating facilities and small qualifying facilities with a design capacity of 100 kW or less.

By Order PSC-05-1260-TRF-EQ issued December 27, 2005, in Docket No. 050809-EI, In Re: Petition for approval to renewable energy tariff by Florida Public Utilities Company the Commission approved the Renewable Energy Tariff filed by Florida Public Utilities Company (FPUC). This Renewable energy Tariff remains available and in effect for customers of FPUC.

Docket No. 080283-EQ

Date: June

FPUC requests approval of First Revised Tariff Sheets 15, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 to comply with FPUC's recent rate case. These revised sheets, along with the remaining unchanged sheets, would constitute the Renewable Energy Tariff for FPUC. The Commission has jurisdiction pursuant to Sections 366.04 and 366.91, Florida Statutes.

Discussion of Issues

Issue 1: Should the Commission suspend the renewable standard offer contract filed by Florida Public Utilities Company?

Recommendation: Yes, the renewable standard offer contract should be suspended. (Sickel, Kummer)

Staff Analysis: 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 making the request a reason or written statement of good cause for doing so within 60 days. Suspending the tariff will allow staff adequate time to review the contracts and bring a recommendation back to the Commission on the merits of the proposal. Therefore, staff recommends that the tariff be suspended.

Issue 2: Should this docket be closed?

Recommendation: No. If the Commission approves Issue 1, the docket should remain open to allow staff adequate time to review the filing and bring a recommendation back to the Commission on the merits of the filing. (Hartman)

Staff Analysis: If the Commission approves Issue 1, the docket should remain open to allow staff adequate time to review the filing and bring a recommendation back to the Commission on the merits of the filing.