

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: December 4, 2008

TO: Office of Commission Clerk (Cole)

FROM: Division of Economic Regulation (Kummer)
Office of General Counsel (Williams, Brubaker)

RE: Docket No. 080675-EI – Petition for approval of revised lighting tariff closing certain metal halide lighting fixtures to new business by Tampa Electric Company.

AGENDA: 12/16/08 – Regular Agenda – Tariff Filing – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Administrative

CRITICAL DATES: 01/13/09 (60-Day Suspension Date)

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\ECR\WP\080675.RCM.DOC

Case Background

Tampa Electric Company (TECO) offers several metal halide outdoor lighting fixtures. It has recently been informed by its suppliers that two sizes of lights will no longer be available due to restriction of the Energy Independence and Security Act of 2007. TECO is requesting to close these two fixtures to new customers as of January 1, 2009.

Discussion of Issues

Issue 1: Should the Commission approve TECO's request to cease offering metal halide outdoor lighting fixtures for 175 watts and 400 watts to new customers, effective January 1, 2009?

Recommendation: Yes. (Kummer, Williams)

Staff Analysis: TECO's lighting fixture suppliers have informed the utility that production of 175 watt and 400 metal halide outdoor lighting fixtures will no longer be available after January 1, 2009. According to the suppliers, these fixtures cannot be retrofitted or redesigned to meet the new minimum ballast efficiency standards required by the Energy Independence and Security Act of 2007 (Energy Act), and will no longer be manufactured. Both TECO and the vendor were unaware that the new standards would apply to outdoor lighting as well as indoor lights until very recently.

TECO is requesting to close the 175 and 400 Watt metal halide offerings to new customers only, effective January 1, 2009. TECO believes it will still be able to fill pending orders for new lights, and obtain parts for repairing and replacing existing installations. It has, however, no guarantees on how long the existing parts supply will last. As a result, TECO will inform customers of the change in availability of the 175 and 400 watt metal halide fixtures and allow the customers to change their orders if desired.

Staff recommends the Commission approve TECO's request to close these two fixtures to new customers as of January 1, 2009. This will help ensure that replacement parts for existing fixtures remain available for as long as possible. Customers will be informed of the limitations on the 175 and 400 watt metal halide fixtures and given the opportunity to change to a different size or style of light. At such time as TECO identifies a new, similar fixture which will meet the Energy Act standards, it will file a new tariff.

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Issue 2: Should this docket be closed?

Recommendation: Yes. If Issue 1 is approved, the docket should be closed if no person whose interests are substantially affected by the Commission's decision files a protest within the 21-day protest period. If no timely protest is filed, this docket should be closed upon issuance of the consummating order. (Williams)

Staff Analysis: If Issue 1 is approved, the docket should be closed if no person whose interests are substantially affected by the Commission's decision files a protest within the 21-day protest period. If no timely protest is filed, this docket should be closed upon issuance of the consummating order.