

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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|--|---|----------------------|
| In re: Petition of Tampa Electric |) | DOCKET NO. 881499-EI |
| Company for approval of a Supplemental |) | ORDER NO. 24035 |
| Service Rider for Interruptible |) | ISSUED: 1/28/91 |
| Service. |) | |
| |) | |

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 BETTY EASLEY
 GERALD L. GUNTER
 FRANK S. MESSERSMITH
 MICHAEL MCK. WILSON

ORDER ON SUPPLEMENTAL SERVICE RIDER TARIFF

BY THE COMMISSION:

On November 17, 1988, Tampa Electric Company (TECO) filed a petition for approval of a supplemental service rider for interruptible service in this docket. The proposed rider offered an incentive discount to those interruptible customers who increased their energy consumption above a specified billing energy threshold. The Commission staff recommended the denial of the petition. After discussion of the matter at the December 20, 1988, agenda conference, we approved the staff's recommendation of denial but indicated that we would approve a revised tariff if twenty percent of the incremental fuel savings derived from the new rate were allocated to the general ratepayers. At that time, TECO's representative indicated that TECO would file a revised tariff meeting our requirements which would have an effective date of January 1, 1989. Our action was reflected in Order No. 20581 entered January 10, 1989. In the meantime TECO filed the revised tariff. (Attachment 1)

On May 5, 1989, the Office of Public Counsel (OPC) filed a protest and request for hearing on the supplemental service rider alleging that the tariff as revised did not conform to our order of January 10, 1989, and that it had not been approved as final agency action pursuant to the Administrative Procedure Act, chapter 120, Florida Statutes (1987). We rejected public counsel's assertions in Order No. 22093 dated October 25, 1989 .

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The Office of Public Counsel appealed Order No. 22093 and the Supreme Court of Florida issued its opinion in Citizens of the State of Florida v. Wilson, 567 So.2d 889 (Fla. 1990). There, the Supreme Court ruled that under the file-and-suspend law, the rates reflected in the revised supplemental service rider tariff are only interim rates and therefore we are obligated to afford interested parties the opportunity for a hearing before the entry of a final order with respect to such rates.

Accordingly, it is

ORDERED by the Florida Public Service Commission that the revised supplemental service rider tariff for interruptible service, sheets 6.510 and 6.511, submitted by Tampa Electric Company on January 1, 1989, is hereby reapproved. It is further

ORDERED that this Order shall become final and this docket shall be closed unless an appropriate petition for formal proceeding is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

By Order of the Florida Public Service Commission, this
28th day of JANUARY, 1991.



STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The Commission's decision on this tariff is interim in nature and will become final, unless a person whose substantial interests are affected by the action proposed files a petition for a formal proceeding, as provided by Rule 25-22.036(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a)(d) and (e), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on February 18, 1991

In the absence of such a petition, this Order shall become final on the day subsequent to the above date.

Any objection or protest filed in this docket before the issuance date of this Order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this Order becomes final on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the date this Order becomes final, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

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TAMPA ELECTRIC COMPANY

ORIGINAL SHEET NO. 6,510

SUPPLEMENTAL SERVICE RIDER - INTERRUPTIBLE

SCHEDULE: SSI

AVAILABLE: Entire Service Area. The rider will be available initially through December 31, 1989 at which time the rider will be reviewed for possible continuation beyond December 31, 1989 subject to Florida Public Service Commission approval.

APPLICABLE: To any interruptible account with 12 months of actual continuous energy billing history on the Company's interruptible service (IS-1, IST-1, SBI-1, IS-3, IST-3 or SBI-3) rates who signs a Tariff Agreement for Supplemental Service - Interruptible. Resale not permitted.

CHARACTER OF SERVICE: This rider is offered in conjunction with the rates, terms, and conditions of the tariff the customer is billed under for regular service and only affects the total amount due in the event of charges/credits incurred for supplemental service.

MONTHLY CHARGES/CREDITS:

Additional Customer Charge:
 \$200.00 per month

Fuel Credit:

In months where metered KWH readings produce KWH billings which exceed the billing energy threshold and where monthly average fuel cost exceeds the monthly marginal fuel cost, a credit equal to 80% of the difference between average fuel cost and marginal fuel cost will be applied to the KWH in excess of the billing energy threshold. This adjustment to the fuel charge will be given in the following billing period. In other months, a zero (0) value for fuel credit is assumed for Supplemental Service - Interruptible.

Billing Energy Threshold:

The Billing Energy Threshold is set at the time of the customer's signing of the Tariff Agreement for Supplemental Service - Interruptible and is defined as the average of the three highest energy billing periods in the twelve (12) month period immediately prior to the month of application for the SSI schedule. It is effective the next billing period following the application month.

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TAMPA ELECTRIC COMPANY

ORIGINAL SHEET NO. 6:511

Continued from Sheet No. 6.510

TERMS AND SPECIAL CONDITIONS:

1. Customers may elect to discontinue the application of this rider at any time, but may not sign a new Tariff Agreement for Supplemental Service - Interruptible to reinstate the rider until 12 months have elapsed from the time the rider is discontinued.
2. For the purpose of calculating the fuel credit, the following definitions are applicable:
 - A. The term "average fuel cost" is defined as the billing period fuel expenses divided by the energy output to line (adjusted upward for the interruptible class to reflect delivery voltage). The average fuel cost is calculated monthly for the fuel filing and is found on Schedule A1, line 20, under the "Actual" cents/KWH column, of the exhibits submitted to satisfy the requirements of FPSC Rule 25-17.15. F.A.C.
 - B. The term "marginal fuel cost" is defined as the billing period simple average of all the COG-1 hourly fuel costs based on the Company's actual hourly avoided fuel costs, calculated by the Company in accordance with FPSC Rule 25-17.0825, F.A.C. (adjusted upward for the interruptible class to reflect delivery voltage).
3. When the customer has multiple, separately metered delivery points, the transfer of existing load from an existing account to the Supplemental Service - Interruptible account will be allowed only when the transferred load can be accurately identified to enable the establishment of a proper billing energy threshold amount.