

DOCKET NO. 980408-EG

CERTIFICATION OF  
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES  
FILED WITH THE  
DEPARTMENT OF STATE

I do hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., have been complied with; and

(2) There is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

(a) Are filed not more than 90 days after the notice;  
or

(b) Are filed not more than 90 days after the notice

not including days an administrative determination was pending;

AFA \_\_\_\_\_  
or

APP \_\_\_\_\_

CAF \_\_\_\_\_  (c) Are filed more than 90 days after the notice, but

CMU \_\_\_\_\_ not less than 21 days from the date of publication of the notice

CTR \_\_\_\_\_

EAG \_\_\_\_\_ of change; or

LEG \_\_\_\_\_

LIN \_\_\_\_\_

OPC \_\_\_\_\_

RCH \_\_\_\_\_

SEC  \_\_\_\_\_

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DOCUMENT NUMBER-DATE

06704 JUN 25 98

ITSC-RECORDS/REPORTING

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA  
98 JUN 24 AM 11:27  
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✓/ (d) Are filed more than 90 days after the notice, but within 21 days after the adjournment of the final public hearing on the rule; or

✓/ (e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

✓/ (f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

✓/ (g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No.

25-17.011

Under the provision of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: \_\_\_\_\_  
(month) (day) (year)

Kay Delgado  
BLANCA S. BAYO, Director  
Division of Records & Reporting

\_\_\_\_\_  
Number of Pages Certified

(S E A L)

CTM

1 25-17.011 Continuation of Energy Conservation Loan Guarantees.

2 ~~(1) Eligibility and Application.~~

3 ~~— (a) Any utility which, as part of its approved conservation~~  
4 ~~plan, submitted pursuant to s.366.82(2), F.S., loaned its funds~~  
5 ~~to eligible customers as defined in Rule 25-17.051(2), F.A.C.,~~  
6 ~~for the purpose of purchasing conservation measures listed in~~  
7 ~~Rule 25-17.051(10), F.A.C., and which received a guarantee by the~~  
8 ~~Commission of all or any portion of loans underwritten by the~~  
9 ~~utility through the June 30, 1991 ending date of the Energy~~  
10 ~~Conservation Loan Guarantee program shall continue to receive the~~  
11 ~~guarantee, subject to the terms of this rule. Energy~~  
12 ~~Conservation Loan Guarantees made to lending institutions through~~  
13 ~~June 30, 1991 shall similarly be continued. The Commission does~~  
14 ~~not guarantee energy conservation loans made after June 30, 1991.~~  
15 ~~The provisions of this rule which refer to application for the~~  
16 ~~guarantee remain applicable to loans which received the~~  
17 ~~guarantee.~~

18 ~~— (b) Each utility applying for Commission guarantee of such~~  
19 ~~loans shall submit to the Commission a description of the types~~  
20 ~~of loans to be made and of loan servicing and collection~~  
21 ~~practices, an estimate of the total amount of funds to be loaned~~  
22 ~~within a stated period, and any forms to be used by the utility~~  
23 ~~or its subcontracted lending institution in making such loans.~~

24 ~~— (c) Upon review of the utility's application and material,~~  
25 ~~submitted according to sub-subsection (1)(b) above, the~~

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1 ~~Commission shall approve the utility's application, in full or in~~  
2 ~~part, or shall deny such approval. The Commission's approval of~~  
3 ~~the proposed loan program shall be for a specific amount of funds~~  
4 ~~to be loaned within a specific period of time. The reasons for~~  
5 ~~the denial shall be stated.~~

6 ~~(2) Loan Application, Limits and Terms.~~

7 ~~(a) Each applicant for a loan shall complete a Commission~~  
8 ~~approved loan application form supplied by the utility or its~~  
9 ~~subcontracted lending institution. The form shall provide for~~  
10 ~~the disclosure of information relating to the loan applicant's~~  
11 ~~acceptability as a credit risk, his interest in the property to~~  
12 ~~be improved, and the type of improvement to be made.~~

13 ~~(b) If loans are made by a utility or its subcontracted~~  
14 ~~lending institution, only loans made to applicants within the~~  
15 ~~utility's service area are eligible for the Commission's loan~~  
16 ~~guarantee.~~

17 ~~(c) If a loan is made to an applicant who does not have an~~  
18 ~~ownership interest in the property to be improved by the~~  
19 ~~conservation measure, the owner of such property shall be~~  
20 ~~required to sign as guarantor on the note evidencing the loan.~~

21 ~~(d) Loans eligible for the Commission's loan guarantee may~~  
22 ~~be for any of the following conservation measures and the amount~~  
23 ~~loaned shall not exceed the utility's or its subcontracted~~  
24 ~~lending institution's estimate of the cost of implementing the~~  
25 ~~particular measure.~~

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- 1 ~~1. Caulking of windows or doors or both.~~
- 2 ~~2. Weatherstripping of windows or doors or both.~~
- 3 ~~3. Duct or pipe insulation.~~
- 4 ~~4. Water heater insulation.~~
- 5 ~~5. Heat reflective and heat absorbing window or door~~
- 6 ~~materials.~~
- 7 ~~6. Clock thermostats.~~
- 8 ~~7. Ceiling insulation.~~
- 9 ~~8. Load management devices.~~
- 10 ~~9. Window panel inserts.~~
- 11 ~~10. Floor insulation.~~
- 12 ~~11. Replacement of furnaces or boilers.~~
- 13 ~~12. Replacement of central air conditioning.~~
- 14 ~~13. Wall insulation.~~
- 15 ~~14. Furnace replacement burner.~~
- 16 ~~15. Replacement of resistance heat with heat pump or~~
- 17 ~~natural gas.~~
- 18 ~~16. Storm windows.~~
- 19 ~~17. Solar domestic water heating.~~
- 20 ~~18. Solar swimming pool heating, if the pool is~~
- 21 ~~presently heated with a nonrenewable resource.~~
- 22 ~~19. Waste heat recovery water heating systems.~~
- 23 ~~20. Heat pump or natural gas water heaters.~~
- 24 ~~(c) The following terms shall be included in the loan~~
- 25 ~~agreement.~~

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1 ~~1. The first payment on the note evidencing the loan~~  
2 ~~shall be due no later than sixty 60 days after the date of~~  
3 ~~execution of the note;~~

4 ~~2. The maturity date for the note shall not be later~~  
5 ~~than seven years after the date the first payment is due.~~

6 ~~However, at the time a utility requests approval of its loan~~  
7 ~~program, it may request that the Commission approve a maturity~~  
8 ~~date which is in excess of seven years for a specific type of~~  
9 ~~conservation measure. The reasons for the later maturity date~~  
10 ~~shall be specified.~~

11 ~~3. Prepayment of all or part of the loan principal~~  
12 ~~shall be credited on the date received. If full payment of the~~  
13 ~~loan principal is made prior to the maturity date of the note, no~~  
14 ~~unearned interest or prepayment penalty shall be collected.~~

15 ~~(3) Loan Providing, Servicing and Collection.~~

16 ~~(a) The utility is responsible to the Commission for proper~~  
17 ~~servicing and collection of loans. However, a utility may~~  
18 ~~contract with a lending institution to make loans to eligible~~  
19 ~~customers and for the performance of loan servicing and~~  
20 ~~collection functions. A description of servicing and collection~~  
21 ~~practices shall be included in the utility's application, as~~  
22 ~~specified in sub-subsection (1)(c), for the Commission's loan~~  
23 ~~guarantee. The utility is responsible for providing a~~  
24 ~~post installation inspection of each conservation measure which~~  
25 ~~is financed by a guaranteed loan.~~

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1 ~~(4) Claims.~~  
2 ~~(a) No claim for reimbursement for loss on guaranteed loans~~  
3 ~~shall be paid unless the utility's or its subcontracted lending~~  
4 ~~institution's claim against the borrower has been reduced to~~  
5 ~~judgment. However, if the principal due on a loan which is in~~  
6 ~~default is less than \$200 and reasonable collection efforts have~~  
7 ~~been made, the utility or its subcontracted lending institution~~  
8 ~~shall receive reimbursement for the unpaid principal without~~  
9 ~~reducing the claim to judgment.~~  
10 ~~(b) For reimbursement of claims greater than or equal to~~  
11 ~~\$200:~~  
12 ~~1. The utility or its subcontracted lending~~  
13 ~~institution must reduce the claim to judgment and~~  
14 ~~obtain a Judgment Lien. The Judgment may include~~  
15 ~~reasonable attorney's fees and court costs.~~  
16 ~~2. The utility shall file a request for reimbursement~~  
17 ~~with the Florida Public Service Commission's~~  
18 ~~Division of Administration within twenty (20) days~~  
19 ~~of the receipt of Judgment. The request for~~  
20 ~~reimbursement shall contain at least the~~  
21 ~~following:~~  
22 ~~a. Six copies of the applicant's loan file;~~  
23 ~~b. An original and five copies of a certification by~~  
24 ~~an officer of the utility, which asserts that the~~  
25 ~~utility acted within the scope of its approved~~

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- 1                    ~~conservation loan program.~~
- 2   ~~c. Six copies of the Judgment,~~
- 3   ~~d. Six copies of the Judgment Lien,~~
- 4   ~~e. A statement indicating the utility's or its~~  
5   ~~subcontracted lending institution's agreement to~~  
6   ~~execute an Assignment of Judgment in exchange for~~  
7   ~~reimbursement, and~~
- 8   ~~f. The utility's name and mailing address, its~~  
9   ~~Federal Employer Identification Number and the~~  
10   ~~name and telephone number of the utility's liaison~~  
11   ~~whom the Commission may contact for additional~~  
12   ~~information regarding the defaulted loan.~~
- 13   ~~3. The Florida Public Service Commission's Division~~  
14   ~~of Administration shall notify the utility when~~  
15   ~~the State Comptroller issues a warrant and shall~~  
16   ~~request assignment of rights under the Judgment to~~  
17   ~~the State of Florida. The warrant will be mailed~~  
18   ~~to the utility upon receipt of original assigned~~  
19   ~~Judgment.~~
- 20   ~~(c) For reimbursement of claims under \$200:~~
- 21   ~~1. The request for reimbursement will be filed in a~~  
22   ~~timely manner with the Florida Public Service~~  
23   ~~Commission's Division of Administration and~~  
24   ~~contain at least the following:~~
- 25   ~~a. Six copies of the applicant's loan file,~~

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1 ~~b. An original and five copies of a certification by~~  
2 ~~an officer of the utility, which asserts that the~~  
3 ~~utility acted within the scope of its approved~~  
4 ~~conservation loan program; and~~  
5 ~~c. The utility's name and mailing address, its~~  
6 ~~Federal Employer Identification Number and the~~  
7 ~~name and telephone number of the utility's liaison~~  
8 ~~whom the Commission may contact for additional~~  
9 ~~information regarding the defaulted loan.~~  
10 ~~2. The warrant will be mailed to the utility upon~~  
11 ~~issuance by the State Comptroller.~~  
12 ~~(d) If deficiencies or disputes are identified by the~~  
13 ~~Commission's staff in a utility's request for reimbursement, the~~  
14 ~~Commission's Executive Director shall notify the utility of the~~  
15 ~~deficiencies or disputes and the basis for each. Unsettled~~  
16 ~~disputes between Commission staff and the utility will be~~  
17 ~~resolved by the Commissioners following written request from the~~  
18 ~~utility, which shall specifically respond to the deficiencies or~~  
19 ~~disputes identified by the Executive Director. The request shall~~  
20 ~~be submitted to the Commission's Executive Director, and a copy~~  
21 ~~shall be submitted to the Commission's Division of Electric and~~  
22 ~~Gas.~~  
23 ~~(5) Recordkeeping and Reporting Requirements.~~  
24 ~~(a) Each utility or its subcontracted lending institution,~~  
25 ~~which has had or has outstanding loans guaranteed by the~~

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1 ~~Commission, shall make the following records available to the~~  
2 ~~Commission upon request or, if requested, shall submit to the~~  
3 ~~Commission the following reports.~~

4 ~~1. Records. A file shall be maintained for each loan~~  
5 ~~made containing the following.~~

6 ~~a. Credit application.~~  
7 ~~b. Credit report or other investigation of the loan~~  
8 ~~applicant's credit.~~  
9 ~~c. Loan agreement.~~  
10 ~~d. Loan servicing and collection information.~~  
11 ~~e. Default information, including a bankruptcy court~~  
12 ~~order discharging the debtor (if applicable) and~~  
13 ~~Judgment information (if applicable).~~

14 ~~2. Reports.~~

15 ~~a. Quarterly reports on guaranteed loans will be~~  
16 ~~submitted to the Commission on prescribed forms~~  
17 ~~within 30 days after the close of each quarter.~~

18 ~~b. The Commission may require the submission of~~  
19 ~~supplemental reports relating to guaranteed loans~~  
20 ~~which are deemed necessary by the Commission.~~

21 ~~(b) The Commission may inspect the utility's or its~~  
22 ~~subcontracted lending institution's books or accounts which~~  
23 ~~pertain to the loans reported for guarantee.~~

24 ~~(6) Limitation of Guarantee.~~

25 ~~(a) Unless prohibited by law, guarantees made pursuant to~~

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1 ~~this rule shall be for the amount of the Judgment obtained by the~~  
2 ~~utility against the borrower or, if a judgment is not required,~~  
3 ~~the amount of principal due on the loan.~~

4 ~~(b) The Commission's liability to pay claims made against~~  
5 ~~the Florida Public Service Regulatory Trust Fund is limited to~~  
6 ~~\$5,000,000.~~

7 ~~(7) Reserve Requirement.~~

8 ~~The Commission shall maintain for each loan made under the~~  
9 ~~guarantee program a reserve which is equal to five percent (5%)~~  
10 ~~of the outstanding principal balance due on the loan.~~

11 Specific Authority: 366.05(1), 366.82, F.S.

12 Law Implemented: 366.05(1), 366:82, F.S.

13 History: New 10/13/81, formerly 25-17.11, Amended 1/5/82,  
14 12/30/82, 2/9/86, 8/9/92, Repealed \_\_\_\_\_.

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year and every four years thereafter. The term survey year shall not be construed to limit completion of the survey to that even numbered calendar year.

(i) The reporting year shall be an odd numbered calendar year beginning with the 1987 calendar year and every four years thereafter.

*Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.05(1), 366.32(2) FS. History—New 5-14-82, Amended 1-20-85, Formerly 25-17.06, Amended 9-7-87, 5-10-93, 3-7-94.*

**25-17.007 Normalization of Electric Utility Load Data.**

*Specific Authority 366.05(1), 366.32(1)—(4) FS. Law Implemented 366.32(1)—(4) FS. History—New 6-19-84, Formerly 25-17.07, Repealed 5-10-93.*

**25-17.008 Conservation and Self-Service Wheeling Cost Effectiveness Data Reporting Format.**

(1) This rule applies to all electric utilities, as addressed by section 366.32, F.S., whenever an evaluation of the cost effectiveness of an existing, new or modified demand side conservation program is required by the Commission and to all public utilities, as addressed by section 366.051, F.S., whenever an evaluation of the cost effectiveness of a self-service wheeling proposal is required by the Commission. For the purpose of this rule, self-service wheeling means transmission or distribution service provided by a public utility to enable a retail customer to transmit electrical power generated by the customer at one location to the customer's facilities at another location.

(2) The purpose of this rule is to establish minimum filing requirements for reporting cost effectiveness data for any demand side conservation program proposed by an electric utility pursuant to Rule 25-17.001 and for any self-service wheeling proposal made by a qualifying facility or public utility pursuant to Rule 25-17.0883.

(3) For the purpose of this rule, the Commission adopts and incorporates by reference the publication "Florida Public Service Commission Cost Effectiveness Manual For Demand Side Management Programs and Self-Service Wheeling Proposals" (7-7-91).

(4) Nothing in this rule shall be construed as prohibiting any party from providing additional data proposing additional formats for reporting cost effectiveness data.

*Specific Authority 366.05(1) FS. Law Implemented 366.32(1)—(4), 366.051 FS. History—New 11-28-82, Formerly 25-17.08, Amended 7-17-91.*

**25-17.011 Continuation of Energy Conservation Loan Guarantees.**

(1) Eligibility and Application.

(a) Any utility which, as part of its approved conservation plan, submitted pursuant to s. 366.32(2), F.S., loaned its funds to eligible customers as defined in Rule 25-17.051(2), F.A.C., for the purpose of purchasing conservation measures listed in Rule 25-17.051(10), F.A.C., and which received a guarantee by the Commission of all or any portion of loans underwritten by the utility through the June 30, 1991 ending date of the Energy Conservation Loan Guarantee program shall continue to receive the guarantee, subject to the terms of this rule. Energy Conservation Loan Guarantees made to lending institutions through June 30, 1991 shall similarly be continued. The Commission does not guarantee energy conservation loans made after June 30, 1991. The provisions of this rule which refer to application for the guarantee remain applicable to loans which received the guarantee.

(b) Each utility applying for Commission guarantee of such loans shall submit to the Commission a description of the types of loans to be made and of loan servicing and collection practices, an estimate of the total amount of funds to be loaned within a stated period, and any forms to be used by the utility or its subcontracted lending institution in making such loans.

(c) Upon review of the utility's application and material, submitted according to subsection (1)(b) above, the Commission shall approve the utility's application, in full or in part, or shall deny such approval. The Commission's approval of the proposed loan program shall be for a specific amount of funds to be loaned within a specific period of time. The reasons for the denial shall be stated.

(2) Loan Application, Limits and Terms.

(a) Each applicant for a loan shall complete a Commission approved loan application form supplied by the utility or its subcontracted lending institution. The form shall provide for the disclosure of information relating to the loan applicant's acceptability as a credit risk, his interest in the property to be improved, and the type of improvement to be made.

(b) If loans are made by a utility or its subcontracted lending institution, only loans made to applicants within the utility's service area are eligible for the Commission's loan guarantee.

(c) If a loan is made to an applicant who does not have an ownership interest in the property to be improved by the conservation measure, the owner of such property shall be required to sign as guarantor on the note evidencing the loan.

(d) Loans eligible for the Commission's loan guarantee may be for any of the following conservation measures and the amount loaned shall not exceed the utility's or its subcontracted lending institution's estimate of the cost of implementing the particular measure.

1. Caulking of windows or doors or both.
2. Weatherstripping of windows or doors or both.
3. Duct or pipe insulation.
4. Water heater insulation.
5. Heat-reflective and heat absorbing window or door materials.
6. Clock thermostats.
7. Ceiling insulation.
8. Load management devices.
9. Window panel inserts.
10. Floor insulation.
11. Replacement of furnaces or boilers.
12. Replacement of central air conditioning.
13. Wall insulation.
14. Furnace replacement burner.
15. Replacement of resistance heat with heat pump or natural gas.
16. Storm windows.
17. Solar domestic water heating.
18. Solar swimming pool heating, if the pool is presently heated with a nonrenewable resource.
19. Waste heat recovery water heating systems.
20. Heat pump or natural gas water heaters.

(e) The following terms shall be included in the loan agreement:

1. The first payment on the note evidencing the loan shall be due no later than sixty (60) days after the date of execution of the note.
2. The maturity date for the note shall not be later than seven years after the date the first payment is due. However, at the time a utility requests approval of its loan program, it may request that the Commission approve a maturity date which is in excess of seven years for a specific type of conservation measure. The reasons for the later maturity date shall be specified.
3. Prepayment of all or part of the loan principal shall be credited on the date received. If full payment of the loan principal is made prior to the maturity date of the note, no unearned interest or prepayment penalty shall be collected.

(3) Loan Providing, Servicing and Collection.

(a) The utility is responsible to the Commission for proper servicing and collection of loans. However, a utility may contract with a lending institution to make loans to eligible customers and for the performance of loan servicing and collection functions. A description of servicing and collection practices shall be included in the utility's application, as specified in subsection (1)(c), for the Commission's loan guarantee. The utility is responsible for providing a post-installation

inspection of each conservation measure which is financed by a guaranteed loan.

(4) Claims.

(a) No claim for reimbursement for loss on guaranteed loans shall be paid unless the utility's or its subcontracted lending institution's claim against the borrower has been reduced to judgment. However, if the principal due on a loan which is in default is less than \$200 and reasonable collection efforts have been made, the utility or its subcontracted lending institution shall receive reimbursement for the unpaid principal without reducing the claim to judgment.

(b) For reimbursement of claims greater than or equal to \$200:

1. The utility or its subcontracted lending institution must reduce the claim to Judgment and obtain a Judgment Lien. The Judgment may include reasonable attorney's fees and court costs.

2. The utility shall file a request for reimbursement with the Florida Public Service Commission's Division of Administration within twenty (20) days of the receipt of Judgment. The request for reimbursement shall contain at least the following:

- a. Six copies of the applicant's loan file;
- b. An original and five copies of a certification by an officer of the utility, which asserts that the utility acted within the scope of its approved conservation loan program;
- c. Six copies of the Judgment;
- d. Six copies of the Judgment Lien;
- e. A statement indicating the utility's or its subcontracted lending institution's agreement to execute an Assignment of Judgment in exchange for reimbursement; and
- f. The utility's name and mailing address, its Federal Employer Identification Number and the name and telephone number of the utility's liaison whom the Commission may contact for additional information regarding the defaulted loan.

3. The Florida Public Service Commission's Division of Administration shall notify the utility when the State Comptroller issues a warrant and shall request assignment of rights under the Judgment to the State of Florida. The warrant will be mailed to the utility upon receipt of original assigned Judgment.

(c) For reimbursement of claims under \$200.

1. The request for reimbursement will be filed in a timely manner with the Florida Public Service Commission's Division of Administration and contain at least the following:

- a. Six copies of the applicant's loan file;
- b. An original and five copies of a certification by an officer of the utility, which asserts that the utility acted within the scope of its approved conservation loan program; and
- c. The utility's name and mailing address, its Federal Employer Identification Number and the name and telephone number of the utility's liaison whom the Commission may contact for additional information regarding the defaulted loan.

2. The warrant will be mailed to the utility upon issuance by the State Comptroller.

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(d) If deficiencies or disputes are identified by the Commission's staff in a utility's request for reimbursement, the Commission's Executive Director shall notify the utility of the deficiencies or disputes and the basis for each. Unsettled disputes between Commission staff and the utility will be resolved by the Commissioners following written request from the utility, which shall specifically respond to the deficiencies or disputes identified by the Executive Director. The request shall be submitted to the Commission's Executive Director, and a copy shall be submitted to the Commission's Division of Electric and Gas.

(5) Recordkeeping and Reporting Requirements.

(a) Each utility or its subcontracted lending institution, which has had or has outstanding loans guaranteed by the Commission, shall make the following records available to the Commission upon request or, if requested, shall submit to the Commission the following reports.

1. Records: A file shall be maintained for each loan made containing the following:

- a. Credit application.
- b. Credit report or other investigation of the loan applicant's credit.
- c. Loan agreement.
- d. Loan servicing and collection information.
- e. Default information, including a bankruptcy court order discharging the debtor (if applicable) and judgment information (if applicable).

2. Reports:

a. Quarterly reports on guaranteed loans will be submitted to the Commission on prescribed forms within 30 days after the close of each quarter.

b. The Commission may require the submission of supplemental reports relating to guaranteed loans which are deemed necessary by the Commission.

(b) The Commission may inspect the utility's or its subcontracted lending institution's books or accounts which pertain to the loans reported for guarantee.

(6) Limitation of Guarantee.

(a) Unless prohibited by law, guarantees made pursuant to this rule shall be for the amount of the judgment obtained by the utility against the borrower or, if a judgment is not required, the amount of principal due on the loan.

(b) The Commission's liability to pay claims made against the Florida Public Service Regulatory Trust Fund is limited to \$5,000,000.

(7) Reserve Requirement. The Commission shall maintain for each loan made under the guarantee program a reserve which is equal to five percent (5%) of the outstanding principal balance due on the loan.

*Specific Authority 366.05(1), 366.82 FS Law Implemented 366.05(1), 366.82 FS History - New 10-15-81, Amended 1-5-82, 12-30-82, Formerly 25-17.11, Amended 2-9-86, 8-9-92.*

25-17.015 Conservation Cost Recovery.

(1) Each utility over which the Commission has ratemaking authority may seek to recover its costs for energy conservation programs as provided in § 366.82(5), F.S. To do so, a utility shall file a petition setting forth estimates of those reasonable and prudent unreimbursed costs projected to be incurred, by specific program, less any estimated revenues, in the same manner and for the same periods as provided for the fuel cost recovery clause in Order No. 9273 issued by the Commission on March 7, 1980. The time limitations applicable to the fuel cost recovery clause shall also apply and the Commission shall dispose of the petition in the same manner and within the times applicable to the fuel cost recovery clause.

(2) Each utility shall establish a clearing account or such other account as appropriate for each conservation program for purposes of recording the costs incurred for that program, together with subaccounts under the appropriate accounts contained in the Uniform System of Accounts prescribed by the Commission which will ultimately be charged. Each utility shall also establish separate subaccounts appropriate under the account for Other Electric Revenues or Other Gas Revenues, for revenues derived from specific customer charges in any program and any costs recovered.

(3) The petition shall indicate the amounts recorded in the Clearing Account or such other account as appropriate for each conservation program together with the subaccounts ultimately charged. Similarly, the petition shall indicate the amount of revenues derived from specific customer charges in any programs and any costs recovered, which revenues and costs have been recorded in the appropriate revenues subaccounts.

(4) Each utility shall report the actual costs and specific revenues and recovered costs attributed to each program to the Commission in the same manner and within the time limits applicable to the fuel cost recovery clause. The Commission shall dispose of the matter in the same manner as fuel cost recovery clause proceedings to reflect the actual conservation costs and conservation revenues of the preceding period.

(5) When a utility seeks to recover advertising expenses through Energy Conservation Cost Recovery, then the expense must be directly related to an approved conservation program and shall not be company image enhancing. In determining whether an advertisement is "directly related to an approved conservation program", the Commission shall consider, but is not limited to, whether the advertisement or advertising campaign:

- (a) Identifies a specific problem.
- (b) States how to correct the problem.
- (c) Provides direction concerning how to obtain help to alleviate the problem.

[NEXT PAGE IS p. 317]

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**SUMMARY OF RULE**

Elimination of an unnecessary rule governing a term loan program.

**SUMMARY OF HEARINGS ON THE RULE**

No hearing was requested and none was held.

**FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE**

Rule 25-17.011, F.A.C., provides the procedure for utilities and lending institutions who participated in the energy conservation loan guarantee program to seek reimbursement from the Public Service Commission when borrowers default on the loans. In 1991, funding for new loan guarantees was discontinued. The Commission continued to reimburse lenders for defaulted loans made before that date. In 1996, section 366.084, Florida Statutes, which authorized the Florida Energy Trust Fund out of which guaranty payments were made, was repealed. Lenders were required to submit all remaining requests for reimbursement no later than December 31, 1996.

Because there is no longer an energy conservation loan guarantee program and no further reimbursements to be made, Rule 25-17.011 is no longer necessary and should be repealed.

FILED  
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DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA