

ORIGINAL

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the petition by Ocean Properties, Ltd., J.C. Penney Corporation, Dillard's Department Stores, and Target Stores, Inc. for variance or waiver of Rule 25-6.103(3), Florida Administrative Code, filed August 23, 2004, in Docket No. 030623-EI, was denied by the Commission at its November 2, 2004, Agenda Conference. **Order No. PSC-04-1167-PAA-EI, issued November 23, 2004,** memorialized the decision. The pertinent portion of the rule provides that when a customer's electric meter is found to be in error in excess of prescribed limits, the figure to be used for calculating the appropriate refund or charge "shall be that percentage of error as determined by the test." The petition was denied on the basis that the petitioners failed to demonstrate that application of the rule would create a substantial hardship or violate principles of fairness. Notice of the petition was published in the FAW on September 10, 2004. A copy of the Order can be obtained from either the Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850) 413-6770 or the Commission's Homepage at <http://www.floridapsc.com>.

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