

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval to modify demonstration project consisting of proposed time-of-use and interruptible rate schedules and corresponding fuel rates in the Northwest Division, by Florida Public Utilities Company.

DOCKET NO. 120263-EI  
ORDER NO. PSC-12-0663-PCO-EI  
ISSUED: December 19, 2012

The following Commissioners participated in the disposition of this matter:

RONALD A. BRISÉ, Chairman  
LISA POLAK EDGAR  
ART GRAHAM  
EDUARDO E. BALBIS  
JULIE I. BROWN

ORDER SUSPENDING TARIFF

BY THE COMMISSION:

On October 22, 2012, Florida Public Utilities Company (FPUC) filed a petition to modify the participation limits of its optional time-of-use (TOU) and interruptible rate schedules in the Northwest Division. The TOU and interruptible rate schedules were approved in Order No. PSC-11-0112-TRF-EI.<sup>1</sup>

We have jurisdiction over this matter pursuant to Sections 366.06 and 366.075, Florida Statutes (F.S.).

Pending a final order by us in any rate proceeding under Section 366.06, F.S., we may withhold consent to the operation of all or any portion of a new rate schedule. Subsection 366.06(3), F.S., requires the delivery of a written statement of good cause for withholding consent to the requesting utility within 60 days. We find that the reason stated below is good cause consistent with the requirement of Subsection 366.06(3), F.S.

We find that the proposed tariff modifications shall be suspended to allow our staff sufficient time to gather and review all pertinent information in order to present us with an informed recommendation on the utility's proposal.

<sup>1</sup> See Order No. PSC-11-0112-TRF-EI, issued February 11, 2011, in Docket No. 100459-EI, In re: Petition for Authority to Implement a Demonstration Project Consisting of Proposed Time-of-Use and Interruptible Rate Schedules and Corresponding Fuel Rates in the Northwest Division on an Experimental Basis and Request for Expedited Treatment, by Florida Public Utilities Company.

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FPSC-COMMISSION CLERK

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Public Utilities Company's proposed tariff modifications shall be suspended as set forth herein. It is further

ORDERED that this docket shall remain open pending the Commission's final decision on the proposed tariff modifications.

By ORDER of the Florida Public Service Commission this 19th day of December, 2012.



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ANN COLE  
Commission Clerk  
Florida Public Service Commission  
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Tallahassee, Florida 32399  
(850) 413-6770  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

CMK

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in

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the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.