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October 4, 1999

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RECORDS AND
REPORTING

ORIGINAL

BY HAND DELIVERY

Ms. Blanca Bayo, Director
Division of Records and Reporting
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Dear Ms. Bayo:

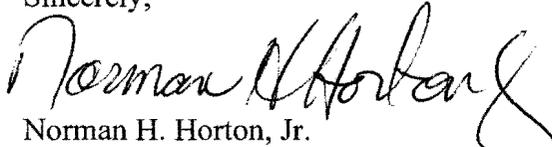
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Enclosed for filing on behalf of Florida Public Utilities Company are an original and fifteen copies of Florida Public Utilities Company's Petition for Waiver of Rule 25-17.003(3)(a) and (4)(a).

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,


Norman H. Horton, Jr.

NHH/amb
Enclosure

cc: Mr. George Bachman
Parties of Record

RECEIVED & FILED


FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

11952 OCT -4 99

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Public)
Utilities Company for Waiver of)
Rule 25-17.003 (3)(a) and (4)(a))
_____)

Docket No.
Filed: October 4, 1999

ORIGINAL

**FLORIDA PUBLIC UTILITIES COMPANY'S PETITION
FOR WAIVER OF RULE 25-17.003(3)(a) and (4)(a)**

Comes now Florida Public Utilities Company ("FPUC"), pursuant to Rule 28.104.002, Florida Administrative Code and Sections 120.542, Florida Statutes and files this Request for Waiver of Rule 25-17.003(3)(a) and (4)(a), Florida Administrative Code requiring Building Energy-Efficiency Rating System Audits In support of its Request, FPUC states as follows:

1. The name and address of the petitioner is:

Florida Public Utilities Company
P.O. Box 3395
West Palm Beach, FL 33402-3395

2. The name and address of the person authorized to receive notices, pleadings, orders and other documents on behalf of FPUC is:

Norman H. Horton, Jr., Esquire
Messer, Caparello & Self, P.A.
P.O. Box 1876
Tallahassee, FL 32302-1876
(850)222-0720 (Telephone)
(850)224-4359 (Telecopier)

3. FPUC is a public utility subject to the rules and regulations of the Florida Public Service Commission ("Commission"). The Company provides services to customers through its Marianna and Fernandina Beach Divisions.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

4. Rule 25-17.003, Florida Administrative Code, describes the minimum requirements for performing energy audits by every utility in the state. In 1996 the Commission amended Rule 25-17.003 to include Building Energy-Efficient Rating System Audits or BERS Audit (25-17.003(3)(a)) which is an energy analysis of residences intended to inform prospective purchases of the energy efficiency of a building. These audits complement the Florida Building Energy-Efficiency Rating Act (Sections 553.990 et. seq. Florida Statutes) which instituted a statewide uniform system for rating the energy efficiency of a building.

4. Rule 25-17.003(3)(a) requires all utilities to offer eligible residential customers BERS Audits which comply with other subsection of the Rule and subsection (4)(a) requires each utility to charge a customer for a BERS Audit but also requires that the utility file a tariff reflecting the actual cost of the Audit. Compliance with these subsections of the Rule will impose a substantial hardship on FPUC and the underlying purpose can be achieved through other means. Consequently, FPUC requests that a waiver be granted as to subsections (3)(a) and (4)(a).

5. To comply with the requirement of Rule 25-17.003 and offer a BERS Audit, FPUC would have to send personnel to special training in order to be certified as a rater and to purchase special equipment and software. The total costs for this would be approximately \$16,000. Since institution of the rating system, FPUC has had no requests for a BERS audit thus compliance would impose unnecessary costs on the company and customers. If a request for an audit were received, it could be performed through contractual arrangements thus satisfying the underlying requirement. FPUC believes that the application of the Rule and dedication of personnel and financial resources to complying with the Rule exceed the benefits that are derived from the Rule and impose a substantial hardship on the Company.

WHEREFORE, FPUC respectfully requests that the Commission grant a waiver of Rules 25-17.003(3)(a) and (4)(a).

Respectfully submitted,

MESSER, CAPARELLO & SELF, P.A.
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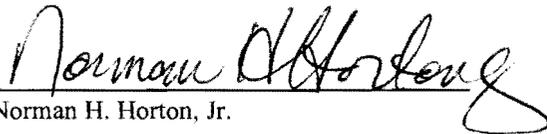
NORMAN H. HORTON, JR., ESQ.
FLOYD R. SELF, ESQ.

Attorneys for Florida Public Utilities Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the Florida Public Utilities Company's Petition for Waiver of Rule 25-17.003(3)(a) and (4)(a) have been served upon the following parties by Hand Delivery (*) and/or U. S. Mail this 4th day of October, 1999.

Grace Jaye, Esq.*
Division of Legal Services, Room 370
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850


Norman H. Horton, Jr.