

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to extend) DOCKET NO. 951537-EG
BuildSmart Pilot Program by) ORDER NO. PSC-96-0116-FOF-EG
Florida Power & Light Company.) ISSUED: January 22, 1996

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER EXTENDING BUILDSMART PROGRAM

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On December 15, 1992, the Commission approved Florida Power and Light Company's (FPL) New Home Construction R&D Project in Docket No. 921034-EG, Order No. PSC-92-1451-FOF-EG. FPL offers this program in Charlotte, Lee, Glades, Hendry, and Colliers counties. The objective of the R&D Project was to investigate, quantify and determine the cost-effectiveness of the conservation opportunities available in the residential, detached, single-family home construction market. FPL used the Buildsmart portion of the New Home Construction R&D Project to evaluate the impact of education, inspections, and certification on new home construction energy efficiency.

On March 31, 1995, FPL filed its first Petition to extend the BuildSmart offerings through December 31, 1995. On May 19, 1995, in Docket No. 950358-EG, Order No PSC-95-0611-FOF-EG, the Commission approved FPL's Petition to extend the BuildSmart offerings through December 31, 1995.

On December 7, 1995, FPL filed another Petition to Extend its BuildSmart Program. This petition requested that the Commission allow the BuildSmart program to continue until the Commission takes

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final action in Docket No. 951536-EG. In Docket No. 951536-EG, also filed on December 7, 1995, FPL seeks the Commission's approval for a permanent BuildSmart program that would be a part of FPL's DSM plan. This Order concerns FPL's Petition to Extend its BuildSmart offerings through March 30, 1996.

FPL completed its New Home Construction Research Project and requested that its BuildSmart Pilot Program in Southwest Florida continue until a system-wide program could be approved. FPL stated that the Buildsmart program is cost-effective to both participating and nonparticipating customers. In addition, FPL stated that the continued offering of BuildSmart will help achieve the goals of FEECA and Commission Rule 25-17.001, Florida Administrative Code.

Under the current New Home Construction R&D Project, Buildsmart expenses will be recovered under ECCR through December 1995. FPL requested that the Commission allow expenses incurred in the continuation of the program to be recovered through the ECCR clause. FPL maintains that to continue its BuildSmart activities in Southwest Florida through March 30, 1996, it will incur expenses of approximately \$194,000.

We find that it is prudent for FPL to maintain the current BuildSmart program administration through March 1996. FPL shall continue to submit the New Home Construction R&D Project quarterly reports and may request that the Commission allow recovery for reasonable and prudent expenses associated with the continuation of this program. We also find that FPL may recover reasonable and prudent expenses for December 31, 1995, through January 3, 1996, because the earliest Agenda date to consider this docket was January 3, 1996, and FPL filed its petition on December 7, 1995.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Power and Light Company's request to extend the BuildSmart portion of the New Home Construction Research Project and the concurrent recovery of the reasonable and prudent expenditures through the Energy Conservation Cost Recovery Clause, as discussed in the body of this Order, is approved. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth

ORDER NO. PSC-96-0116-FOF-EG
DOCKET NO. 951537-EG
PAGE 3

in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 22nd day of January, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay DeLeon
Chief, Bureau of Records

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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 action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on February 12, 1996.

ORDER NO. PSC-96-0116-FOF-EG
DOCKET NO. 951537-EG
PAGE 4

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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 and effective on the date described above, any party substantially 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 wastewater 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 effective date of this order, 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.