

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Tampa  
Electric Company for approval of  
special lighting contract to  
provide premium outdoor lighting  
service to City of Oldsmar under  
existing Rate Schedule OL-3.

DOCKET NO. 971463-EI  
ORDER NO. PSC-98-0042-FOF-EI  
ISSUED: January 6, 1998

The following Commissioners participated in the disposition of  
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION ORDER  
GRANTING APPROVAL OF SPECIAL LIGHTING CONTRACT

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.

By Petition filed on November 6, 1997, Tampa Electric Company  
(TECO) requested approval of a special lighting contract to provide  
premium outdoor lighting service to the City of Oldsmar.

TECO currently provides Premium Outdoor Lighting Service (rate  
schedule OL-3) to the City of Oldsmar (Oldsmar). Any customer  
requesting service under the OL-3 rate schedule is required to sign  
a Premium Outdoor Lighting Agreement with TECO. This agreement is  
a standard form contract, which is shown in Tariff Sheets Nos.  
7.450-7.453. Oldsmar currently plans to add 29 Victorian concrete  
poles and 29 classic fixtures to its downtown area. TECO will  
provide service to these new poles and fixtures under the existing  
OL-3 rate schedule. However, TECO requested that we approve a  
special lighting contract between TECO and Oldsmar incorporating  
certain modifications to the existing standard form contract under  
the OL-3 rate schedule. The special lighting contract will not  
change the rates for service, but simply modifies three provisions  
of the standard agreement.

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The first modification is to change the initial term of service from seven (7) to five (5) years. The existing standard agreement requires the customer to sign an initial 7-year contract with TECO.

The second modification to the existing standard agreement is to add language permitting Oldsmar to purchase the lighting system at any time after the 5-year initial term of service has ended. The purchase price for the lighting equipment shall be \$83,184.50, minus depreciation at the rate of 4.9 percent per year from the date of installation to the date of purchase. The purchase price of \$83,184.50 represents the total cost, including material and contractor cost, of all the poles and fixtures Oldsmar might purchase from TECO. If replacement modifications or enhancement modifications have been made to the equipment, the purchase price shall be adjusted to reflect the modifications. If Oldsmar decides to purchase the lighting system after 10 years from the date of installation, the purchase price thereafter shall be adjusted to its fair market value. The fair market value will be determined through an appraisal.

The third modification is to revise language in the existing standard agreement permitting Oldsmar to install banners upon the poles. Currently TECO does not allow any banners or decoration on its poles. The lighting system will be in the downtown area and Oldsmar requested the right to put banners on the poles for aesthetic reasons during town events. Only non-commercial banners reflecting holiday or community events shall be permitted. The special contract contains specific guidelines under which Oldsmar may attach banners to the poles.

Finally, rates for service will not change under these proposed changes. As such, TECO's ratepayers will not be affected by this proposal. Moreover, the agreed upon purchase price and other changes to the existing standard lighting agreement are reasonable.

Therefore, upon consideration, we find that the proposed special lighting contract to provide premium outdoor lighting service to the City of Oldsmar is reasonable and should be approved.

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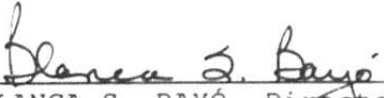
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that TECO's Petition for the special lighting contract to provide premium outdoor lighting service to the City of Oldsmar is hereby granted. 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 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 6th day of January, 1998.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

JCB

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.

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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.

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 January 27, 1998.

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.