



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: July 2, 1998
 TO: BLANCA BAYO, DIRECTOR OF RECORDS AND REPORTING
 FROM: CHRISTIANA T. MOORE, DIVISION OF APPEAL *CTM*
 RE: DOCKET NO. 980658-*TI* *EI*

98-0926-FED

RECEIVED-FPSC
 98 JUL -6 PM 3:44
 RECORDS AND REPORTING

FILE NAME: OR980658.CTM

Attached is an order to be issued as soon as possible.

CTM

Attachment

cc: Wanda Terrell

FD.1 + header

3/0

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by Florida Power
& Light Company to Amend Rule
25-6.097, F.A.C., to Remove
Requirement that Guarantors of
Bills of Non-Residential
Customers be Customers of
Utility

DOCKET NO. 980658-EI
ORDER NO. PSC-98-0926-PCO-EI
ISSUED: July 7, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

ORDER GRANTING PETITION TO INITIATE RULEMAKING

BY THE COMMISSION:

On May 15, 1998, Florida Power & Light Company (FPL) filed a petition to initiate rulemaking, asking the Commission to amend Rule 25-6.097, Florida Administrative Code, to eliminate the requirement that guarantors of bills of non-residential customers be a customer of the utility. FPL asserts that payment of a cash security deposit or the posting of a surety bond or letter of credit in an amount based upon two months' average billings constitutes, at a minimum, a customer inconvenience, and at a maximum, a financial hardship. FPL further asserts that the customer's parent or affiliated companies are often large and profitable concerns with the financial wherewithal to secure the payment of the bills of the non-residential customer. These large companies may, however, be located outside FPL's service territory.

Although the logic underlying the current rule language is reasonable for residential or small commercial customers, the credit-worthiness of a nationally recognized parent organization of a Florida-based business may be sufficient protection for payment of utility bills. We agree that rulemaking should be initiated to address FPL's proposed change. FPL has proposed specific rule language, however, other language may be considered during the rule

DOCUMENT NUMBER-DATE

07118 JUL-7 98

FPSC-RECORDS/REPORTING

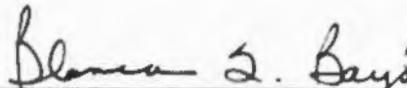
ORDER NO. PSC-98-0926-PCO-EI
DOCKET NO. 980658-EI
PAGE 2

development process. A staff recommendation will be prepared for our consideration at the conclusion of that process, and we will determine the specific proposed changes to Rule 25-6.097 then.

Based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that the petition to initiate rulemaking proceedings to amend Rule 25-6.097, F.A.C., is granted, and the docket shall remain open.

By ORDER of the Florida Public Service Commission this 7th day of July, 1998.



BLANCA S. BAYÓ, Director
Director of Records and Reporting

(S E A L)

CTM

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, if issued by a Prehearing Officer; (2)

ORDER NO. PSC-98-0926-PCO-EI
DOCKET NO. 980658-EI
PAGE 3

reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in 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 Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, 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.