

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of Florida Power) DOCKET NO. 920785-EG
Corporation to modify order) ORDER NO. PSC-92-1215-FOF-EG
approving conservation programs.) ISSUED: 10/27/92

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION

ORDER APPROVING CONSERVATION PROGRAM MODIFICATION

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On October 2, 1990, this Commission approved Florida Power Corporation's (FPC or utility) New Program Development conservation program by Order No. 23556 in Docket No. 900103-EG. On August 4, 1992 FPC filed a petition which was later amended on September 25, 1992 seeking the Commission's approval to increase the annual limit of the program expenditures from \$400,000 to \$800,000 and to establish a reporting threshold of \$100,000 for expenditures on individual research and development projects within the program.

According to the utility the past two year's experience with the New Program Development projects indicates that the limits previously approved were too inflexible to accommodate the varying requirements for project field testing. For example, FPC contrasted its thermal energy storage project, which is very material-, and thus cost-, intensive, with its advanced load management project, which uses an existing base of installed load management equipment, thus requiring no new hardware expenditures.

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After reviewing the data submitted by the utility, our Staff recommends and we agree that the nature of the research and development programs generally require more flexibility in their spending patterns than allowed by the previously approved maximums. Accordingly, we find that it is in public interest to approve the petition as amended.

It is therefore,

ORDERED by the Florida Public Service Commission that Florida Power Corporation's New Program Development program as amended, to increase the annual limit on research and development program expenditures to \$800,000 and establish reporting threshold of \$100,000 for expenditures on individual research and development projects is approved.

ORDERED that this Order shall become final and the docket closed unless an appropriate petition for formal proceeding is received by the Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date indicated in the Notice of Further Proceedings or Judicial Review.

By ORDER of the Florida Public Service Commission this 27th day of October, 1992.



STEVE TRIBBLE Director
Division of Records and Reporting

(S E A L)

MRC:bmi

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

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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 at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on November 17, 1992.

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 adversely 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.