

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

UNDOCKETED

IN RE: INITIATION OF RULEMAKING TO CODIFY THE PROCEDURE  
FOR FILING A PETITION FOR MID-COURSE CORRECTION

NOTICE OF PROPOSED RULE DEVELOPMENT

TO

ALL INTERESTED PERSONS

ISSUED: December 14, 2009

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated rulemaking to codify the existing procedure for filing a petition for mid-course correction of fuel cost recovery or capacity cost recovery factors.

The attached Notice of Proposed Rule Development will appear in the December 18, 2009, edition of the Florida Administrative Weekly. If timely requested in writing and not deemed unnecessary by the agency head, a rule development workshop will be held at a time and place that will be announced. A copy of the draft rule is attached to this notice.

The request for the rule development workshop must be submitted in writing to Kathryn G. W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216 or [kcowdery@psc.state.fl.us.com](mailto:kcowdery@psc.state.fl.us.com), no later than January 8, 2010.

By DIRECTION of the Florida Public Service Commission this 14th day of December, 2009.



---

ANN COLE  
Commission Clerk

(SEAL)

KC

DOCUMENT NUMBER-DATE

11910 DEC 14 8

FPSC-COMMISSION CLERK

Notice of Development of Rulemaking

**PUBLIC SERVICE COMMISSION**

RULE NO: RULE TITLE

25-6.0424: Petition for Mid-Course Correction

PURPOSE AND EFFECT: Rule 25-6.0424 would be created in order to codify existing Commission procedure for filing a petition for mid-course correction to fuel cost recovery or capacity cost recovery factors. Undocketed.

SUBJECT AREA TO BE ADDRESSED: Investor-owned electric utility regulation.

SPECIFIC AUTHORITY: 350.127(2), 366.05(1) FS

LAW IMPLEMENTED: 366.041, 366.05(1), 366.06(1) FS

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:  
Kathryn G.W. Cowdery, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

1 25-6.0424 Petition for Mid-Course Correction

2 (1) To request a mid-course correction to the fuel cost recovery or capacity cost recovery  
3 factors, a utility shall file a petition for mid-course correction which shall contain the  
4 following information:

5 (a) The estimated percentage of year-end over-recovery or under-recovery calculated  
6 using the estimated end-of-period total net true-up divided by the current period's  
7 total actual and estimated jurisdictional fuel revenue applicable to the period. The  
8 appropriate method to determine the over-recovery or under-recovery percentage  
9 for capacity costs is to make a similar percent calculation using up-to-date capacity  
10 cost recovery revenue and true-up amounts.

11 (b) A complete Form PSC/ECR 009-E (xx/xx) reflecting the estimated end-of-period  
12 total net true-up based upon current cost recovery factors and revised fuel  
13 expenses. Form PSC/ECR 009-E (xx/xx), incorporated by reference in this rule  
14 and entitled "Fuel Mid-Course Correction Schedules," may be obtained from the  
15 Commission's Division of Economic Regulation.

16 (2) In the event that the absolute value of the over-recovery or under-recovery either for fuel  
17 cost recovery or capacity cost recovery is 10 percent or greater, the utility shall promptly  
18 notify the Commission by letter delivered to the Director of the Division of Economic  
19 Regulation. The notification of a 10 percent or greater estimated over-recovery or under-  
20 recovery shall include a petition for mid-course correction to the fuel cost recovery or capacity  
21 cost recovery factors, or shall include an explanation of why a mid-course correction is not  
22 practical.

23 (3) When filing a petition for mid-course correction to the fuel cost recovery or capacity cost  
24 recovery factors, a utility shall file 15 copies of the petition with the Office of Commission  
25 Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, and an electronic

1 copy with the Director of the Division of Economic Regulation at tdevlin@psc.state.fl.us. The  
2 Director of the Division of Economic Regulation shall be the designee of the Commission for  
3 purposes of determining whether the utility has met the minimum filing requirements imposed  
4 by this rule.  
5 Rulemaking Authority 350.127(2), 366.05(1)FS. Law Implemented 366.041, 366.05(1),  
6 366.06(1), 366.076. History—New xx/xx.

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25