

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Georgiana Sheldon, Acting Chairman;
Matthew Holden, Jr., and George R. Hall.

Florida Power and Light Company) Docket Nos. ER78-19, ER80-141,
ER80-156, ER80-199, et al.

ORDER DENYING REHEARING, ACCEPTING FOR
FILING AND SUSPENDING RATE SCHEDULES AND
DENYING MOTION FOR EXTENSION OF TIME

(Issued February 6, 1980)

On January 21, 1980, Florida Power and Light Company (FP&L) applied for rehearing of our order in these consolidated dockets which directed FP&L to submit a single tariff for application to interchange transmission services in substitution for 18 individual rate schedules. 1/ FP&L has made no argument in its application that was not considered in our order, and rehearing shall be denied.

The application also requests clarification regarding the scope of the tariff to be filed. FP&L asks whether our order requires a tariff governing interchange transmission services, or

...requir[es] FPL to file a tariff under which transmission services would be generally available, not limited to the implementation of interchange agreements but encompassing any conceivable transmission transaction as long as that transaction is arguably within the ambit of the policy statement.

Our order required FP&L to consolidate its numerous rate schedules into a single tariff for interchange transmission services, and include therein its statement of company policy on wheeling availability. The order did not purport to interpret FP&L's policy. That policy may encompass more than interchange services; however, FP&L itself must clarify any ambiguities by delimiting its scope. The company may, of course, file a new statement on transmission availability which identifies any transmission service not included. 2/

1/ Order Directing The Submission of a Transmission Tariff in Substitution for Individual Rate Schedules (December 21, 1979).

2/ Any new availability statement should also be filed in Docket No. ER77-175 where FP&L's wheeling policy is an issue. We should be apprised of any change in that policy before reaching our decision.

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Docket Nos. ER78-19, et al.

Since the date of our order, FP&L has tendered three additional interchange transmission rates. On December 21, 1979, a service schedule was submitted for New Smyrna Beach, Florida (Docket No. ER80-141). On December 28, 1979, a schedule was tendered for Tampa Electric Co. (ER80-156). And, on January 22, 1980, a schedule was submitted for Orlando, Florida (ER80-199). Each of these schedules is identical to those considered in the order directing the submission of a tariff, and FP&L requests that cost support from Docket No. ER78-19, et al., be incorporated by reference. Our order stated (at 7) that all additional or changed service agreements should be made part of the tariff.

The service agreements submitted in these three new dockets have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Rather than deal with these submissions in separate orders, we shall now accept them for filing, suspend each for one day and consolidate the three dockets with Docket No. ER78-19, as we have done with all service agreements in the sequence of transmission rate filings. 3/ FP&L shall include these three service agreements, executed or unexecuted as the case may be, in the tariff which it submits.

Finally, we shall address FP&L's motion for an extension of time in which to comply with our order of December 21, 1979. It requests either an indefinite extension, pending the outcome of other proceedings, or a new compliance date 30 days after we dispose of the application for rehearing. This motion is denied; however, we shall give FP&L seven additional days in which to comply with our order.

The Commission orders:

(A) FP&L's application for rehearing of our order of December 21, 1979, is hereby denied.

(B) FP&L's motion for an extension of time is hereby denied.

(C) FP&L's submissions of service agreements in Docket Nos. ER80-141, ER80-156 and ER80-199 are hereby accepted for filing and suspended for one day, they shall become effective, subject to refund, on February 20, 1980, February 27, 1980, and March 23, 1980, respectively. FP&L is directed to include these agreements as part of its tariff filing.

3/ Protests and petitions to intervene in these proceedings will be accepted until the dates specified in the notices of these filings issued by the Commission's Secretary.

(D) Within seven days of the date of this order, FP&L shall file the transmission tariff required by this order and our order of December 21, 1979.

(E) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

(S E A L)

Kenneth F. Plumb,
Secretary.