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July 29, 2011

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\* REGISTERED TO PRACTICE BEFORE U.S.  
PATENT AND TRADEMARK OFFICE

\*OF COUNSEL

The Honorable Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

RE: *Orlando Utilities Comm*, Docket No. NJ11-\_\_\_\_\_  
Petition for Declaratory Order for Revised Non-Jurisdictional Tariff Sheets

Dear Secretary Bose,

Pursuant to Section 205 of the Federal Power Act (“FPA”)<sup>1</sup> and Part 35 of the Federal Energy Regulatory Commission’s (“Commission’s”) regulations under the FPA,<sup>2</sup> the Orlando Utilities Commission (“OUC”) hereby submits a Petition for Declaratory Order (“Petition”) determining that revisions to its non-jurisdictional open access transmission tariff (“OATT”) for acceptance the following revised tariff sheets:

First Revised Sheet No. 91  
First Revised Sheet No. 92  
First Revised Sheet No. 119

As explained below, the tendered tariff sheets contain revisions to Schedule 7, Schedule 8 and Attachment H to OUC’s OATT. OUC requests that the Commission recognize an effective date of October 1, 2011 for these updated tariff sheets.

<sup>1</sup> 16 USC § 824d.

<sup>2</sup> 18 CFR § 35.28, *et seq.* (2011).

Additionally, OUC requests a waiver of the filing fee applicable to petitions for declaratory orders, pursuant to Section 381.108 of the Commission's Regulations, 18 C.F.R. § 381.108 (2011)

## **I. BACKGROUND**

OUC has updated the charges for point-to-point transmission service under Schedules 7 and 8 under OUC's OATT and updated its Annual Transmission Revenue Requirement for Network Integration Transmission Service under Attachment H of OUC's OATT to reflect the use of 2012 Test Year. The updated information is commensurate with the rates that OUC charges itself. The affidavit of Keith Mutters further explains these modifications, in Attachment C hereto.

## **II. PROPOSED TREATMENT OF EFFECTIVE DATE**

As noted, the revised tariff sheets are requested to become effective on October 1, 2011, which meets the Commission's 60-day notice requirement under Section 35.3(a) of the Commission's regulations.

## **III. LIST OF DOCUMENTS**

The following documents are enclosed with this letter:

Attachment A: Clean version of the revised tariff sheets;

Attachment B: Red-lined version of the revised tariff sheets; and

Attachment C: Affidavit of Keith Mutters, and supporting document

## **IV. CORRESPONDENCE**

OUC requests that all correspondence, pleadings, and other communications concerning this filing be served upon the following:

Keith Mutters  
Aaron Staley  
Orlando Utilities Commission  
P.O. Box 3193  
Orlando, FL 32802

Michael Postar  
Derek A. Dyson  
Duncan, Weinberg, Genzer  
& Pembroke, P.C.  
1615 M Street, N.W.,  
Suite 800  
Washington, D.C. 20036

**V. SERVICE AND POSTING**

A copy of this filing is being provided to each of OUC's customers under its OATT and a copy of the filing is also available for public inspection on OUC's OASIS.

Please let us know if you have any questions or comments concerning OUC's filing.

Respectfully submitted,

/s/ Derek A. Dyson  
Michael Postar  
Derek A. Dyson  
Duncan, Weinberg, Genzer  
& Pembroke, P.C.  
1615 M Street, N.W.,  
Suite 800  
Washington, D.C. 20036

Attorneys for  
Orlando Utilities Commission

**ATTACHMENT A**  
**CLEAN VERSION OF TARIFF SHEETS**

**SCHEDULE 7****Long-Term Firm and Short-Term Firm Point-To-Point Transmission Service**

The Transmission Customer shall compensate the Transmission Provider each month for Reserved Capacity at the sum of the applicable charges set forth below:

- 1) Yearly delivery: one-twelfth of the demand charge of \$17,895/MW of Reserved Capacity per year.
- 2) Monthly delivery: \$1,491/MW of Reserved Capacity per month.
- 3) Weekly delivery: \$344/MW of Reserved Capacity per week.
- 4) Daily delivery: \$49/MW of Reserved Capacity per day.
- 5) Discounts: Three principal requirements apply to discounts for Transmission Service as follows: (1) any offer of a discount made by the Transmission Provider must be announced to all Eligible Customers solely by posting on the OASIS, (2) any customer-initiated requests for discounts (including requests for use by one's wholesale merchant or an affiliate's use) must occur solely by posting on the OASIS, and (3) once a discount is negotiated, details must be immediately posted on the OASIS. For any discount agreed upon for service on a path, from point(s) of receipt to point(s) of delivery, the Transmission Provider must offer the same discounted transmission service rate for the same time period to all Eligible Customers on all unconstrained transmission paths that go to the same point(s) of delivery on the Transmission System.

**SCHEDULE 8****Non-Firm Point-To-Point Transmission Service**

The Transmission Customer shall compensate the Transmission Provider for Non-Firm Point-To-Point Transmission Service up to the sum of the applicable charges set forth below:

- 1) Monthly delivery: \$1,390/MW of Reserved Capacity per month.
- 2) Weekly delivery: \$321/MW of Reserved Capacity per week.
- 3) Daily delivery: \$46/MW of Reserved Capacity per day.
- 4) Hourly delivery: The basic charge shall be that agreed upon by the Parties at the time this service is reserved and in no event shall exceed \$1.90/MWH.
- 5) Discounts: Three principal requirements apply to discounts for Transmission Service as follows: (1) any offer of a discount made by the Transmission Provider must be announced to all Eligible Customers solely by posting on the OASIS, (2) any customer-initiated requests for discounts (including requests for use by one's wholesale merchant or an affiliate's use) must occur solely by posting on the OASIS, and (3) once a discount is negotiated, details must be immediately posted on the OASIS. For any discount agreed upon for service on a path, from point(s) of receipt to point(s) of delivery, the Transmission Provider must offer the same discounted transmission service rate for the same time period to all Eligible Customers on all unconstrained transmission paths that go to the same point(s) of delivery on the Transmission System.

**ATTACHMENT H**

**Annual Transmission Revenue Requirement  
For Network Integration Transmission Service**

1. The Annual Transmission Revenue Requirement for purposes of the Network Integration Transmission Service shall be \$40,793,935.
2. The amount in (1) shall be effective until amended by the Transmission Provider.

**ATTACHMENT B**  
**REDLINED VERSION OF TARIFF SHEETS**

**SCHEDULE 7****Long-Term Firm and Short-Term Firm Point-To-Point Transmission Service**

The Transmission Customer shall compensate the Transmission Provider each month for Reserved Capacity at the sum of the applicable charges set forth below:

- 1) Yearly delivery: one-twelfth of the demand charge of ~~\$15,094~~ \$17,895/MW of Reserved Capacity per year.
- 2) Monthly delivery: ~~\$1,258~~ \$1,491/MW of Reserved Capacity per month.
- 3) Weekly delivery: ~~\$290~~ \$344/MW of Reserved Capacity per week.
- 4) Daily delivery: ~~\$41.35~~ \$49/MW of Reserved Capacity per day.
- 5) Discounts: Three principal requirements apply to discounts for Transmission Service as follows: (1) any offer of a discount made by the Transmission Provider must be announced to all Eligible Customers solely by posting on the OASIS, (2) any customer-initiated requests for discounts (including requests for use by one's wholesale merchant or an affiliate's use) must occur solely by posting on the OASIS, and (3) once a discount is negotiated, details must be immediately posted on the OASIS. For any discount agreed upon for service on a path, from point(s) of receipt to point(s) of delivery, the Transmission Provider must offer the same discounted transmission service rate for the same time period to all Eligible Customers on all unconstrained transmission paths that go to the same point(s) of delivery on the Transmission System.

**SCHEDULE 8****Non-Firm Point-To-Point Transmission Service**

The Transmission Customer shall compensate the Transmission Provider for Non-Firm Point-To-Point Transmission Service up to the sum of the applicable charges set forth below:

- 1) Monthly delivery: ~~\$1,128~~ \$1,390/MW of Reserved Capacity per month.
- 2) Weekly delivery: ~~\$260~~ \$321/MW of Reserved Capacity per week.
- 3) Daily delivery: ~~\$37.10~~ \$46/MW of Reserved Capacity per day.
- 4) Hourly delivery: The basic charge shall be that agreed upon by the Parties at the time this service is reserved and in no event shall exceed ~~\$1.55~~ \$1.90/MWH.
- 5) Discounts: Three principal requirements apply to discounts for Transmission Service as follows: (1) any offer of a discount made by the Transmission Provider must be announced to all Eligible Customers solely by posting on the OASIS, (2) any customer-initiated requests for discounts (including requests for use by one's wholesale merchant or an affiliate's use) must occur solely by posting on the OASIS, and (3) once a discount is negotiated, details must be immediately posted on the OASIS. For any discount agreed upon for service on a path, from point(s) of receipt to point(s) of delivery, the Transmission Provider must offer the same discounted transmission service rate for the same time period to all Eligible Customers on all unconstrained transmission paths that go to the same point(s) of delivery on the Transmission System.

**ATTACHMENT H**

**Annual Transmission Revenue Requirement  
For Network Integration Transmission Service**

1. The Annual Transmission Revenue Requirement for purposes of the Network Integration Transmission Service shall be ~~\$34,976,898~~ \$40,793,935.
2. The amount in (1) shall be effective until amended by the Transmission Provider.

**ATTACHMENT C**  
**AFFIDAVIT OF KEITH MUTTERS**

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

Orlando Utilities Commission

Docket No. NJ11-\_\_\_\_\_

**AFFIDAVIT OF KEITH MUTTERS**

I, Keith Mutters, on behalf of the Orlando Utilities Commission (“OUC”), do hereby swear and attest as follows:

1. OUC is a municipal utility system owned by the city of Orlando, Florida, providing electric and water services to residents of Orlando and portions of adjacent unincorporated areas of Orange County, Florida. OUC also provides electric services to residents of St. Cloud, Florida and portions of adjacent unincorporated areas of Osceola County, Florida through an interlocal agreement with the city of St. Cloud. OUC currently serves more than 220,000 customers. As a municipal utility, OUC is not subject to the jurisdiction of Federal Energy Regulatory Commission.

2. I am the Director of System Planning and Reliability for OUC. In that capacity, I am responsible for certain regulatory matters at OUC. I handle regulatory issues that may arise in front of the Florida Public Service Commission as well as the Federal Energy Regulatory Commission. I have been in this position since August 2005.

3. The purpose of this affidavit is to affirm that the modified charges for firm and non-firm Point-to-Point transmission service in Schedules 7 and 8, and the modified revenue requirement in Attachment H to be added to the Amended and Restated OUC OATT meet the comparability standard which I understand the Federal Energy Regulatory Commission applies to non-jurisdictional tariffs because the charges modified in the Schedules are the same rates that OUC charges itself.


4. The update is based on financial information for OUC from Test Year ending September 30, 2012.

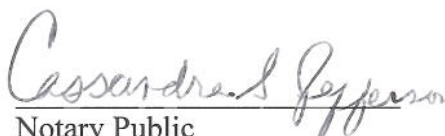
5. This completes my Affidavit.

  
Keith Mutters

State of Florida       )  
                                  )ss.  
Orange County        )

Subscribed and sworn before me, this the 25<sup>th</sup> day of July, 2011.

NOTARY PUBLIC-STATE OF FLORIDA  
 Cassandra S. Jefferson  
Commission # DD900843  
Expires: AUG. 04, 2013  
BONDED THRU ATLANTIC BONDING CO., INC.

  
Notary Public

My Commission Expires 8/4/2013

**ORLANDO UTILITIES COMMISSION**  
**Wheeling Rates**

<u>Line No.</u>	<u>Calculation</u>	<u>Previous Study</u> <u>FY2008</u>	<u>FY2012</u>	<u>\$</u>	<u>Variance</u>	<u>%</u>
<b><u>Non-Firm Wheeling Rates</u></b>						
<b>Revenue Requirement:</b>						
9	Annual Transmission Cost to Serve	Line 66	\$ 35,177,000	\$ 40,793,935	\$ 5,616,935	16%
<b>Short Term Non-Firm Wheeling Rates:</b>						
12	Total Transmission System Capability (MW)	Line 102	2,598	2,445	(153)	-6%
Monthly Charge						
15	Monthly Charge (\$ / MW / Mo)	Line 9 / Line 12 / 12	\$ 1,128.34	\$ 1,390.27	\$ 261.93	23%
16	Daily Charge (\$ / MW / Day)	Line 9 / Line 12 / 365	\$ 37.10	\$ 45.71	\$ 8.61	23%
17	Hourly Charge (\$ / MW / Hr)	Line 9 / Line 12 / 8,760	\$ 1.55	\$ 1.90	\$ 0.36	23%
<b><u>Firm Wheeling Rates</u></b>						
<b>Revenue Requirement:</b>						
21	Annual Transmission Cost to Serve	Line 66	\$ 35,177,000	\$ 40,793,935	\$ 5,616,935	16%
22	Less Non-Firm & Short Term Transmission Rev.	Corporate Model	(200,512)	(200,749)	(236.65)	0%
23	Net Transmission Cost to Serve	Line 21 + Line 22	34,976,488	40,593,187	5,616,699	16%
<b>Contract Firm Wheeling Rates</b>						
26	Total Generating Capability (MW)	Line 102	2,598	2,445	(153)	-6%
Charges for Firm Point to Point Transmission Service						
29	Annual Charge (\$ / MW / Yr)	Line 23 / Line 26	\$ 13,462.85	\$ 16,601.12	\$ 3,138.26	23%
30	Monthly Charge (\$ / MW / Mo)	Line 29 / 12	\$ 1,121.90	\$ 1,383.43	\$ 261.52	23%
<b>Firm Point to Point FERC 888</b>						
33	Annual System Peak (MW)	Line 137	2,317	2,268	(49)	-2%
Charges for Firm Point to Point Transmission Service						
36	Annual Charge (\$ / MW / Yr)	Line 23 / Line 33	\$ 15,095.59	\$ 17,895.44	\$ 2,799.85	19%
37	Monthly Charge (\$ / MW / Mo)	Line 36 / 12	\$ 1,257.97	\$ 1,491.29	\$ 233.32	19%
38	Weekly Charge (\$ / MW / Wk)	Line 36 / 52	\$ 290.30	\$ 344.14	\$ 53.84	19%
39	Daily Charge (\$ / MW / Day)	Line 36 / 365	\$ 41.36	\$ 49.03	\$ 7.67	19%