



Public Service Commission

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

DATE: June 8, 2000

TO: Joe Garcia, Chairman

FROM: Cochran Keating, Senior Attorney, Division of Legal Services *RVE For WCK*
 Todd Bohrmann, Regulatory Analyst IV, Division of Safety and Electric Reliability *Tb WBM* *JDJ*

RE: Docket No. 000001-EI - Fuel and Purchased Power Cost Recovery Clause and Generating Performance Incentive Factor.

By this memo, we are requesting permission to file a recommendation in this docket no later than 2:00 p.m., Tuesday, June 13, 2000, for consideration at the June 20, 2000, Agenda Conference. Pursuant to Rule 25-22.036, Florida Administrative Code, and Rule 28-106.201, Florida Administrative Code, FIPUG filed a "motion for mid-course protection" on Thursday, May 18, 2000. TECO filed an initial response to FIPUG's "motion" on Thursday, May 25, 2000. Within its initial response, TECO stated that it reserved the right to submit a more developed response to FIPUG's filing within 20 days as allowed under the Commission's rules referenced above. The Commission's rules allow a party 20 days to respond to FIPUG's filing. Wednesday, June 7, 2000 is the 20th day since FIPUG's motion was filed.

Given the timing of these filings, staff has had less than one day to prepare a recommendation for filing at the normal time. Due to the potential lack of excess capacity in peninsular Florida during this summer, staff believes that the Commission should address the issues raised in these filings at the earliest possible date. Furthermore, these filings raise several legal and technical questions that staff needs to address in its recommendation. Accordingly, staff believes a late-filed recommendation is appropriate.

- AP
- OM
- TR
- CR
- SG
- PC
- MI
- RGO
- SEC
- SER
- OTH

OK
J. Garcia

Recommend Approval.

MAB
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