

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Florida Power &)	DOCKET NO. 890319-EI
Light Company for approval of "Tax)	ORDER NO. 21624
Savings" Refund for 1988.)	ISSUED: 7-28-89

PREHEARING OFFICER'S ORDER DENYING
JOINT MOTION TO DESIGNATE ISSUE

On June 7, 1989, the Office of Public Counsel (OPC) and the Florida Industrial Power Users Group (FIPUG) filed a joint motion asking the Commission to establish as an issue in this docket the appropriateness of the level of Florida Power & Light Company's (FPL's) operations and maintenance (O&M) expense incorporated in its 1988 tax savings calculation; to inform FPL that it will have the burden of establishing, by appropriate evidence, that amounts exceeding the application of the O&M benchmark were necessary expenditures, reasonable in amount and prudently incurred; and to establish appropriate time frames for discovery and the submission of evidence on this and other issues. Oral argument was held on the motion on July 10, 1989.

Under the procedural provisions of Rule 25-14.003 (5)(c), the motion is premature and therefore should be denied. The rule requires the Commission to review FPL's petition and either approve it, approve it with modification, or deny it. Thereafter, the parties may request a hearing on the Commission's decision.

It is, therefore,

ORDERED that the Joint Motion of Public Counsel and FIPUG to Designate Issue is hereby denied.

BY ORDER of Commissioner Betty Easley, as Prehearing Officer, this 28th day of July, 1989.

Betty Easley
BETTY EASLEY, Commissioner
and Prehearing Officer

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