

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Consol-) DOCKET NO. 911103-EI
idated Minerals, Inc. against) ORDER NO. PSC-92-0075-PCO-EI
Florida Power and Light) ISSUED: 3/18/92
Company for failure to)
negotiate cogeneration)
contract.)
_____)

ORDER ON FPL'S MOTION FOR
OFFICIAL RECOGNITION

BY THE COMMISSION:

On March 6, 1992, Florida Power and Light Company (FPL) filed a Motion for Official Recognition of certain Commission orders, tariffs, and Staff Recommendations. Consolidated Minerals, Inc. (CMI) filed a response to FPL's Motion on March 12, 1992.

Rule 25-22.048, Florida Administrative Code, provides that "any relevant evidence shall be admitted if it is the sort of evidence which is normally admissible in civil trials in Florida" Thus, we follow the provisions of the Florida Evidence Code which deal with judicial notice (Sections 90.21-203, Florida Statutes).

FPL requests official recognition of 17 orders issued by us. For the purposes of this docket, we officially recognize the orders listed as numbers 1 - 17 on Attachment A.

FPL requests official recognition of three Standard Offer tariffs which have been previously approved by us. For the purposes of this docket, we officially recognize the tariffs listed as numbers 18 - 20 on Attachment A.

Finally, FPL requests official recognition of 2 Staff Recommendations which were filed by Staff in other dockets. FPL argues that these Staff Recommendations are either "official acts" of a department of the state, or "facts not subject to dispute because they are capable of accurate and ready determination by sources of unquestionable accuracy." We disagree. Although Staff Recommendations may contain some facts not subject to dispute, Staff Recommendations also reflect Staff's opinion. As such, Staff Recommendations serve an advisory role to the Commission. They are not "official acts" of the Commission, and they do not consist solely of "facts not subject to dispute." Because the Florida Evidence Code does not provide for us to judicially notice Staff Recommendations, we deny FPL's request as it relates to numbers 21-22 on Attachment A.

DOCUMENT NUMBER-DATE

02690 MAR 18 1992

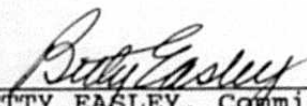
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It is, therefore,

ORDERED by Commissioner Betty Easley, as Prehearing Officer, that Florida Power and Light Company's Motion for Official Recognition is granted in part and denied in part as discussed in the body of this order.

By ORDER of Commissioner Betty Easley, as Prehearing Officer, this 18th day of MARCH, 1992.


BETTY EASLEY, Commissioner
and Prehearing Officer

(S E A L)

MAB:bmi

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.

ATTACHMENT A
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ATTACHMENT A INDEX

1. Docket No. 860004-EU and 860004-EU-A, Order No. 17480 (APH)
2. Docket No. 890004-EU, Order No. 22061 (APH)
3. Docket No. 890004-EU, Order No. 22341 (APH)
4. Docket No. 900004-EU, Order No. 23234 (APH)
5. Docket No. 910004-EU, Order No. 24989 (APH)
6. Docket No. 900004-EU, Order No. 23235 (APH)
7. Docket No. 900004-EU, Order No. 23792 (APH)
8. Docket No. 910004-EU, Order No. 24672 (APH)
9. Docket No. 910004-EU, Order No. 25022 (APH)
10. Docket No. 840348-EI, Order No. 13765 (Florida Crushed Stone)
11. Docket No. 881472-EQ, Order Nos. 20671 and 21491 (AES)
12. Docket No. 890973-EI, Order No. 23079 (Lauderdale Repowering)
13. Docket No. 890974-EI, Order No. 23080 (Martin Units 3 & 4)
14. Docket No. 900709-EQ, Order No. 24268 (ICL)
15. Docket No. 900731-EQ, Order No. 24269 (ICL)
16. Docket No. 900796-EI, Order No. 24165 (Scherer)
17. Docket No. 880309-EC, Order No. 19468 (Seminole)
18. Commission Authority E-87-23, Tariff Sheets 9.850 - 8.53
Tariff Sheets 10.200 - 10.210
19. Commission Authority E-90-4, Tariff Sheets 9.850 - 9.854
Tariff Sheets 10.200 - 10.214
20. Commission Authority E-90-24, Tariff Sheets 9.850 - 9.854
Tariff Sheets 10.200 - 10.214.
21. September 20, 1989 Staff Recommendation in Docket 890004-EU
22. January 18, 1990 Staff Recommendation in Docket No.
900004-EU