

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Rule 25-6.0115,	)	DOCKET NO. 910615-EU
F.A.C., Underground Electric	)	
Facility Costs, and Revision	)	ORDER NO. PSC-92-0189-S-EU
of Rule 25-6.078, F.A.C.,	)	
Schedule of Charges.	)	ISSUED: 4/13/92
	)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, CHAIRMAN  
BETTY EASLEY  
J. TERRY DEASON  
SUSAN F. CLARK  
LUIS J. LAUREDO

ORDER APPROVING STIPULATION

BY THE COMMISSION:

On April 7, 1992, our staff brought to us a stipulation between the City of Daytona Beach Shores and the Florida Public Service Commission in Docket No. 92-1366RP at the Division of Administrative Hearings, and recommended adoption of it. The stipulation is attached as Attachment A.

We accept this, noting that providing an opportunity to address the research report was our intention from the start of the rulemaking process. Indeed, it was our intention that the opportunity to challenge our staff's research report extends to all participants at the rule hearing. All participants at the rule hearing will have an opportunity to offer evidence to support a finding contrary to that of the staff research report.

It is therefore,

ORDERED by the Florida Public Service Commission that the stipulation entered into between the City of Daytona Beach Shores and the Florida Public Service Commission legal staff is hereby approved and accepted.

DOCUMENT NUMBER-DATE

03631 APR 13 1992

FPC-RECORDS/REPORTS

ORDER NO. PSC-92-0189-S-EU  
DOCKET NO. 910615-EU  
PAGE 2

By ORDER of the Florida Public Service Commission, this  
13th day of APRIL, 1992.

  
STEVE TRIBBLE, Director  
Division of Records and Reporting

(S E A L)

CBM

Chairman Thomas M. Beard dissented from the Commission's decision to enter a written settlement proposed by the City of Daytona Beach Shores to withdraw the City's rule challenge proceeding.

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

CITY OF DAYTONA BEACH SHORES )  
 )  
 Petitioner, )  
 )  
 vs. ) CASE NO. 92-1366RP  
 )  
 PUBLIC SERVICE COMMISSION )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

STIPULATION

The undersigned parties, CITY OF DAYTONA BEACH SHORES, Petitioner, and PUBLIC SERVICE COMMISSION, Respondent, hereby stipulate upon the terms and condition set forth as follows:

1. The Public Service Commission in the hearing noticed for May 26, 1992 on proposed Rule 25-6.0115, FAC, Underground Electric Facilities Cost, and revision of Rule 25-6.078 Schedule of Charges, shall permit Petitioner to address the propriety of the method and scope of the Three Volume Report on Cost-Effectiveness of Underground Electric Distribution Facilities.

2. That the Public Service Commission in the public hearing on proposed Rule 25-6.0115, FAC, Underground Electric Facilities Cost, and revision of Rule 25-6.078 Schedule of Charges, shall consider the adequacy of the data in the Report, the staff analysis of the data and the resulting conclusion that underground electric distribution facilities are not cost effective.

3. The parties agree that upon full execution of the stipulation that the Petitioner will file its Notice of Dismissal with Prejudice as to its Petition filed pursuant to Section 120.54(4), Florida Statutes.

4. The Petitioner does not waive any other rights to participate in the Rule hearing or any other challenge except as specifically set forth herein.

RECEIVED

APR 15 1992

General Counsel's Office  
Florida Public Service Commission

5. The Stipulation shall be ineffective until such time as the Stipulation has been ratified by the Public Service Commission. Said ratification shall take place not later than April 21, 1992.

CYNTHIA B. MILLER  
Associate General Counsel  
Florida Bar No. 472808

Florida Public Service  
Commission  
101 E. Gaines Street  
Tallahassee, Fl 32399  
(904) 488-7464

BY: Cynthia B. Miller  
CYNTHIA B. MILLER

DATE: April 13, 1992

MARGARET T. ROBERTS  
City Attorney for the City of  
Daytona Beach Shores, Florida  
Florida Bar No. 277381  
COBLE, BARKIN, GORDON,  
ROBERTS & WOODS, P.A.  
Post Office Drawer 9670  
1020 Volusia Avenue  
Daytona Beach, FL 32120  
(904) 253-0661  
Attorney for Petitioner,  
City of Daytona Beach shores

BY: Margaret T. Roberts  
MARGARET T. ROBERTS

DATE: April 10, 1992

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following this 10<sup>th</sup> day of April, 1992.

BY: Margaret T. Roberts  
MARGARET T. ROBERTS

FILED with the Clerk of the Division of  
Administrative Hearings this \_\_\_ day of  
\_\_\_\_\_, 1992.

Copies Furnished to:

BY FACSIMILE  
Cindy Miller, Senior General Counsel  
Division of Appeals  
Fletcher Building  
101 E. Gaines Street  
Tallahassee, FL 32399-0850  
(904) 488-7464 - FAX (904) 487-0509

BY U.S. MAIL  
Robert D. Vandiver, Senior General Counsel  
Public Service Commission  
101 E. Gaines Street, Room 212  
Tallahassee, FL 32399-0850  
(904) 488-7464

RECEIVED

APR 13 1992