BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for a rate increase by Florida Power Corporation.

) DOCKET NO. 910890-EI) ORDER NO. PSC-92-0218-PCO-EI

4/17/92) ISSUED:

ORDER GRANTING IN PART OCCIDENTAL'S REQUEST FOR MODIFICATION OF CASE SCHEDULE AND PUBLIC COUNSEL'S REQUEST TO ESTABLISH FILING DATES

BY THE COMMISSION:

On January 31, 1992, Florida Power Corporation (FPC) filed a petition for rate increase along with Minimum Filing Requirements (MFRs). On February 12, 1992, pursuant to Section 366.06, Florida Statutes, and Rule 25-6.043(2), Florida Administrative Code, the Director of the Division of Electric and Gas issued a statement that FPC was deficient in meeting the minimum filing requirements. Specifically FPC's filings were found to be deficient in that justification for growth in O&M expenses for the years 1984 through 1987 was not included.

On February 28, 1992, FPC filed a protest of MFR deficiency letter, requesting that the Commission enter an order determining that FPC's filings were in compliance with the minimum filing requirements prescribed in Rule 25-6.043, Florida Administrative At the March 24, 1992 agenda conference the Commission determined that the Company's MFRs were deficient, and the Commission issued an order to that effect on April 7, 1992.

On April 7, 1992, FPC filed additional MFR schedules and supplemental prefiled direct testimony, with the purpose of curing the deficiency in its previous filing. We now address Occidental Chemical Corporation's (Occidental's) Request For Modification Of Case Schedule, filed March 18, 1992, and the Office of Public Counsel's Request To Establish Filing Date, filed April 7, 1992. Both of these pleadings take the position that additional time will be needed to respond to FPC's additional MFR schedules and supplemental direct testimony.

Specifically, Occidental has requested no less than ninety days from the date FPC remedies the deficiencies in its filing, to submit direct testimony. Public Counsel has requested "sufficient" time to review and conduct discovery on MFRs and direct testimony, before being required to file direct testimony.

Both Occidental and Public Counsel have pointed out that the "12 month clock" which requires the Commission to issue a final DOCUMENT NUMBER-DATE

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order within 12 months of the commencement date for final agency action, does not begin until the Company has satisfied the minimum filing requirements. Both also accurately point out that the eight month file-and-suspend clock, which allows the company's rate schedules to automatically go into effect (subject to refund) eight months from the company's filing, continues to tick.

We believe that sufficient time can be made available for all parties to review and conduct discovery on FPC's additional MFR schedules and supplemental direct testimony, without impacting either the eight or twelve month statutory "clocks". With this in mind, the following dates have been established to govern the filings in this proceeding:

May 29, 1992	<pre>Intervenor and Staff Testimony to be filed</pre>
June 5, 1992	Prehearing Statements to be filed
June 15, 1992	Rebuttal Testimony to be filed
June 15, 1992	Prehearing
It is therefore,	•

ORDERED that the Request For Modification of Case Schedule filed by Occidental Chemical Corporation, and the Request to Establish Filing Dates, filed by the Office of Public Counsel, are hereby granted in part as set forth above.

By ORDER of Commissioner Betty Easley, as Prehearing Officer, this 17th day of APRIL , 1990.

BETTY EASLEY, Prehearing Officer and Commissioner

MAP: bmi