

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of ) DOCKET NO. 930424-EI  
proposal for incentive return on )  
demand-side management )  
investments by Florida Power )  
Corporation. )

In Re: Request for approval of ) DOCKET NO. 930444-EI  
proposal for revenue decoupling )  
by Florida Power Corporation. )

In Re: Adoption of Numeric ) DOCKET NO. 930549-EG  
Conservation Goals and ) ORDER NO. PSC-94-0028-PCO-EG  
consideration of National Energy ) ISSUED: January 6, 1994  
Policy Act Standards (Section )  
111) by Florida Power )  
Corporation. )

ORDER DENYING MOTION TO CONSOLIDATE

On December 20, 1993, the Florida Industrial Power Users Group, (FIPUG) filed a motion to consolidate Florida Power Corporation's (FPC's) conservation incentive and revenue decoupling dockets (Docket Nos. 930424-EI and 930444-EI) with FPC's conservation goals docket (Docket No. 930549-EG). In its motion FIPUG contends that these dockets deal with related and intertwined conservation-related issues which should be handled simultaneously in FPC's conservation goals docket.

On January 3, 1994, the Legal Environmental Assistance Foundation, Inc. (LEAF) and the Florida department of Community Affairs (FDCA), filed Responses in Opposition to Motion to Consolidate. In its response FDCA asserts that consolidation of these three dockets would unnecessarily complicate the already complex issues involved in setting numeric conservation goals. LEAF in its response contends that the issue of deferral and consolidation has already been decided by the Commission in Order No. PSC-93-1049-PCO-EI, and there are no material "changed circumstances" to support a review of the previous decision. Like FDCA, LEAF also argues that it would be better not to further complicate the complex issues to be addressed in the goal setting hearings by adding FPC's decoupling and incentives proposals. LEAF also contends that "the Commission could, if the evidence provided during the hearing of FPC's proposals supports it, postpone its decision on the incentive proposals until the goals proceedings." (LEAF's response at p.5)

DOCUMENT NUMBER-DATE

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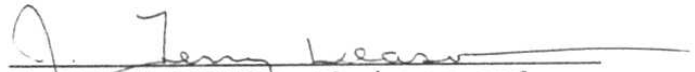
FPSC-RECORDS/REPORTING

I find that the Motion to Consolidate shall be denied. The setting of numeric conservation goals is already a massive undertaking. In addition, numerous issues related to the Federal Energy Policy Act of 1992 will also be decided in the goals docket. The time available for the hearing in the goals docket is simply not sufficient to allow for consideration of the additional complex issues surrounding FPC's decoupling and incentive proposals. In addition, LEAF is correct in pointing out that this issue has already been decided in Order No. PSC-93-1049-PCO-EI, issued in Docket Nos. 930424-EI and 930444-EI, on July 19, 1993.

It is therefore,

ORDERED by Chairman J. Terry Deason, that the Motion to Consolidate filed by the Florida Industrial Power Users Group on December 20, 1993, is hereby denied.

By ORDER of Chairman J. Terry Deason, as Prehearing Officer, this 6th day of January, 1994.

  
J. TERRY DEASON, Chairman and  
Prehearing Officer

( S E A L )  
MAP: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,

ORDER NO. PSC-94-0028-PCO-EG  
DOCKETS NOS. 930424-EI, 930444-EI, 930549-EG  
PAGE 3

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.