

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Adoption of Numeric) DOCKET NO. 930548-EG
Conservation Goals and) ORDER NO. PSC-94-0372-PCO-EG
Consideration of National Energy) ISSUED: March 30, 1994
Policy Act Standards (Section)
111) by Florida Power and Light)
Company.)
_____)

ORDER DENYING MOTION TO SPIN-OFF

On March 2, 1994, Florida Power and Light Company (FPL) filed a Motion to Spin-Off Consideration of PURPA Section 111 Standards. In its motion FPL asks the Commission to spin-off and create a separate docket for consideration of the PURPA Section 111 standards on integrated resource planning and investment in conservation and demand management.

As grounds for its request FPL states that the volume of analytical work performed by the utilities in the goals-setting process is immense; that consideration of the Section 111 PURPA standards is not necessary for the adoption of numeric conservation goals; that consideration of the Section 111 PURPA standards is shifting the focus of the proceeding and the resources of each party away from consideration of the analysis performed and the goals to be set; that there is not enough hearing time set aside to address both goals and the plethora of PURPA Section 111 issues; that the establishment of conservation goals should enjoy higher priority than "consideration" of federal standards the Commission does not have to adopt; that the rule being implemented does not mention any standard of integrated resource planning; that since the PURPA standards are prospective and involve the question of whether they should be implemented, their consideration should not affect the establishment of conservation goals in this proceeding.

On March 8, 1994, the Legal Environmental Assistance Foundation, Inc. (LEAF) filed a response to FPC's motion to spin-off the PURPA Section 111 standards. In its response LEAF points out FPL's previous pronouncement that it has honored, and expects other parties to honor the procedural schedule in this docket. LEAF also states that the Commission's rule mandates that FPL's goals petition be based on its "most recent planning process", and that FPL claims that its most recent planning process meets the federal IRP standard. Finally, LEAF contends that consideration of the PURPA standards does not shift the focus of this proceeding, since the planning process used by each utility is already a major focus of goals setting.

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FPC-RECORDS/REPORTING

On March 15, 1994, the Florida Department of Community Affairs (DCA) filed a Response to Motion to Spin-Off. In its response DCA states that FPL has been on notice of the IRP issues for nine months; that FPL has taken the position in this proceeding that it has integrated resource planning in place at present; and that the close relationship between integrated resource planning and the goals-setting issues before the Commission, dictates the retention of integrated resource planning as an issue in this proceeding.

On March 11, 1994, I issued an order on procedural motions (Order No. PSC-94-0287-PCO-EG) which denied LEAF's request to delay setting goals until after Commission review of the utilities' planning process and consideration of Energy Policy Act standards. FPL's motion is essentially a mirror image of LEAF's. Both would split this proceeding. LEAF would have the Commission consider PURPA, Section 111 standards first and then set goals. FPL would have the Commission set goals first and then consider PURPA, Section 111 standards. In denying LEAF's motion I stated:

LEAF has requested that the Commission delay setting goals until after a Commission review of the utilities' generation and expansion plans. LEAF proposes that the hearings scheduled for June of 1994 in these dockets be limited to the review of the utilities' planning process vis a vis Energy Policy Act issues of integrated resource planning and revenue neutrality. LEAF proposes that the filing of goals petitions and Commission review of goals petitions be rescheduled for a subsequent hearing.

I do not believe that delay of these proceedings is in the public interest. These proceedings were initiated in June of 1993. Even if the current schedule is adhered to, numeric conservation goals for Florida's investor owned electric utilities will not be voted on by the Commission until August 18, 1994. DSM plans will not be filed by the companies until December of 1994.

I agree with LEAF that in order to set reasonable goals, the Commission must evaluate the planning process which the utility uses to project the energy and demand savings which are reasonably achievable. I believe that the Commission can reasonably conduct this

evaluation, as well as evaluation of the companies' goals petitions, at the June, 1994 hearings. I also believe that adequate time exists for the parties to conduct discovery related to the companies' planning processes, before the May 25, 1994 discovery cut-off.

These same considerations apply to FPL's motion to spin-off. The Commission can reasonably consider PURPA, Section 111 standards on integrated resource planning and revenue neutrality and also evaluate the companies' goals petition at the June, 1994 hearings. It is not necessary to bifurcate these proceedings.

It is therefore,

ORDERED by Chairman J. Terry Deason, as Prehearing Officer, that the Motion to Spin-Off Consideration of PURPA Section 111 Standards, filed by Florida Power and Light Company on March 2, 1994, is hereby denied.

By ORDER of Chairman J. Terry Deason, as Prehearing Officer, this 30th day of March, 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.

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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.