

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition to establish ) DOCKET NO. 950359-EI  
amortization schedule for ) ORDER NO. PSC-95-1035-PCO-EI  
nuclear generating units to ) ISSUED: August 21, 1995  
address potential for stranded )  
investment by Florida Power & )  
Light Company. )  
\_\_\_\_\_ )

ORDER GRANTING FLORIDA STEEL  
CORPORATION'S PETITION TO INTERVENE

On July 10, 1995, Florida Steel Corporation filed a petition for leave to intervene in this proceeding and request for a hearing. This proceeding was initiated when Florida Power & Light Company (FPL) filed a petition for authorization to record accelerated depreciation for its nuclear generating units to address the potential for that investment being stranded.

On July 21, 1995, FPL filed its motion in opposition to Florida Steel's petition to intervene. Although not contemplated by Commission rules, Florida Steel filed a reply to FPL's motion on August 1, 1995.

In support of its petition, Florida Steel asserts it has a substantial interest in this proceeding because a ruling which has an adverse impact on its electric costs could impair its ability to compete. If FPL's petition is granted, Florida Steel argues, it would reduce the level of what otherwise would be excess earnings. Florida Steel contends that permitting FPL to amortize additional depreciation, without scrutinizing all of FPL's revenues, expenses and earnings, will result in rates which are unreasonable and unjust.

FPL argues that impairment to Florida Steel's ability to compete is an economic harm and that any prospective impact on its rates is speculative. FPL also argues that this proceeding, which was initiated pursuant to section 366.05(1), Florida Statutes, will not result in a change of its rates.

Upon consideration, the Prehearing Officer finds that Florida Steel has shown its substantial interests will be affected and thus, is entitled to intervene in this proceeding. Further, Florida Steel's intervention in this docket is consistent with the Commission's ruling in Order No. 21651, issued August 1, 1989, in Docket No. 890256-TL, granting Florida Cable Television Association's (FCTA) request to intervene. In that docket,

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Southern Bell requested authority to charge accelerated depreciation in order to finance its plans to place fiber in the homes of its customers. FCTA had alleged that "as customers of Southern Bell who would be called on to pay rates and provide revenues designed to fund the depreciation represcription sought by Southern Bell, FCTA's members have an interest in assuring that the utility does not impose unfair and unreasonable charges and burdens on ratepayers beyond those rates and rate-related practices required to fairly compensate Southern Bell for telephone service they receive." The interests asserted by Florida Steel in this docket are similar to those asserted by FCTA in Docket No. 890256-TL.

The Commission would benefit from full exploration of the policy issues to be addressed in this docket. FPL has asked the Commission to change its traditional approach to depreciation policy and practice because of the company's concern about the adverse consequences of stranded investment to its customers. Florida Steel's participation will provide a balance to the concerns of FPL. Having this information will permit the Commission to better assess how the public interest will be served in this docket.

For the above reasons, Florida Steel's petition for leave to intervene and request for hearing is granted. Pursuant to Rule 25-22.039, Florida Administrative Code, Florida Steel takes the case as it finds it. In its petition to intervene, Florida Steel has proposed issues to be considered in this docket. The appropriate time to propose issues is in Florida Steel's prehearing statement.

Based on the foregoing, it is,

ORDERED by Chairman Susan F. Clark, as Prehearing Officer, that Florida Steel Corporation's petition for leave to intervene and request for hearing is hereby granted. It is further

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ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:

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Marian B. Rush  
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Stephen R. Yurek  
Dahlen, Berg, & Co.  
2150 Dain Bosworth Plaza  
60 South Sixth Street  
Minneapolis, MN 55402

By ORDER of Chairman Susan F. Clark, as Prehearing Officer,  
this 21st day of August, 1995.

  
SUSAN F. CLARK, Chairman and  
Prehearing Officer

( S E A L )

VDJ

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.