

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Skyway) DOCKET NO. 920978-EQ
Power Corporation to Require) ORDER NO. PSC-96-0400-PCO-EQ
Florida Power Corporation to) ISSUED: March 21, 1996
Furnish Avoided Data Pursuant to)
Commission Rule 25-17.0832(7))
_____)

ORDER GRANTING MOTION FOR CONTINUANCE

On June 28, 1993, Skyway Power Corporation (Skyway) protested Proposed Agency Action Order No. PSC-93-0843-FOF-EQ, and Docket No. 920978-EQ was set for hearing. By Order No. PSC-93-1538-PCO-EG, the hearing scheduled for this docket was cancelled until the conclusion of Docket No. 921288-EU - Proposed Amendment of Rule 25-22.081, Florida Administrative Code (F.A.C.), Contents of Petition, and Proposed New Rule 25.22.082, F.A.C., Selection of Generating Capacity. Docket No. 921288-EU is now closed; however, Skyway filed another motion for continuance to stay the case until the conclusion of Docket No. 931186-EQ - Review of Congeneration Rules 25-17.080 through 25-17.091, F.A.C., for possible amendmewnt to ensure consistency with Bidding Rule 25-22.082, F.A.C. By Order No. PSC-94-0120-PCO-EQ, issued February 1, 1994, a continuance in this docket was granted until January 31, 1995, or the conclusion of Docket No. 931186-EQ, whichever event occurred first.

The hearing in this docket has not been rescheduled. At the agenda conference held on January 16, 1996, the Commission set Docket No. 931186-EQ for hearing on its own motion. On February 27, 1996, Skyway filed another motion for continuance claiming again that Commission action in Docket No. 931186-EQ may obviate a need for hearing in this docket and may result in Skyway ultimately moving to dismiss its complaint. Florida Power Corporation (FPC), the only other party, has not responded to the latest motion for continuance, and Skyway's counsel asserts that he was unable to reach counsel for FPC prior to filing the motion.

Good cause having been shown, Skyway's motion for continuance shall be granted. Accordingly, no action shall be taken to reschedule the hearing until the conclusion of Docket No. 931186-EQ.

It is therefore,

Ordered by Julia L. Johnson, as Prehearing Officer, that Skyway Power Corporation's motion for continuance is hereby granted as discussed above.

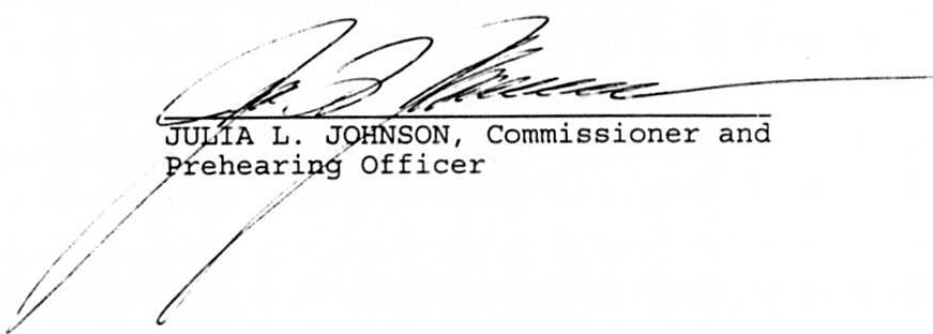
DOCUMENT NUMBER-DATE

03351 MAR 21 1996

FPSC-RECORDS/REPORTING

ORDER NO. PSC-96-0400-PCO-EQ
DOCKET NO. 920978-EQ
PAGE 2

By ORDER of Commissioner Julia L. Johnson, as Prehearing Officer, this 21st day of March, 1996.



JULIA L. JOHNSON, Commissioner and
Prehearing Officer

(S E A L)

SLE

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, 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.