

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of nuclear outage
at Florida Power Corporation's
Crystal River Unit 3.

DOCKET NO. 970261-EI
ORDER NO. PSC-97-0742-PHO-EI
ISSUED: June 25, 1997

Pursuant to Notice, a Prehearing Conference was held on Tuesday, June 17, 1997, in Tallahassee, Florida, before Chairman Julia L. Johnson, as Prehearing Officer.

APPEARANCES:

James A. McGee, Esquire, and R. Alexander Glenn, Esquire,
Post Office Box 14042, St. Petersburg, Florida 33733 and
Gary L. Sasso, Esquire, Carlton Fields, Post Office Box
2861, St. Petersburg, Florida 33731
On behalf of Florida Power Corporation (FPC).

Jack Shreve, Esquire, and John Roger Howe, Esquire,
Office of the Public Counsel, c/o The Florida
Legislature, 111 West Madison Street, Room 812,
Tallahassee, Florida 32399
On behalf of the Citizens of the State of Florida (OPC).

John W. McWhirter, Jr. Esquire, McWhirter, Reeves,
McGlothlin Davidson, Rief & Bakas, P.A., 100 North Tampa
Street, Suite 2800, Post Office Box 3350, Tampa, Florida
33601 and Joseph A. McGlothlin, Esquire, and Vicki Gordon
Kaufman, Esquire, McWhirter, Reeves, McGlothlin,
Davidson, Rief & Bakas, P.A., 117 South Gadsden Street,
Tallahassee, Florida 32301
On behalf of the Florida Industrial Power Users Group
(FIPUG).

Michael A. Gross, Office of the Attorney General, PL-01,
The Capitol, Tallahassee, Florida 32399
On behalf of Robert A. Butterworth, Attorney General of
Florida (AG).

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Louis D. Putney, Esquire, 4805 Himes Avenue, Tampa,
Florida 33611
On behalf of Florida Consumer Action Network (FCAN).

Michael B. Twomey, Esquire Post Office Box 5256,
Tallahassee, Florida 32314 and Wayne R. Malaney, Esquire,
Post Office Box 7014, Tallahassee, Florida 32314
On behalf of Lake Dora Harbour Homeowners Association,
Inc. (LDHHA).

Robert V. Elias, Esquire, Vicki D. Johnson, Esquire and
Leslie J. Paugh, Esquire, Florida Public Service
Commission, 2540 Shumard Oak Boulevard, Tallahassee,
Florida 32399-0850
On behalf of the Commission Staff.

PREHEARING ORDER

At the February 19, 1997 hearing in Docket No. 970001-EI, the Commission voted to allow Florida Power Corporation (FPC) to recover, on an interim basis, a portion of the replacement fuel costs associated with the extended outage at FPC's Crystal River 3 nuclear generating unit. The interim recovery is subject to refund, with interest. This docket was opened to investigate the outage Florida Power Corporation's Crystal River 3 nuclear generating unit, including the specific actions and circumstances that led to the shut-down of the unit on September 2, 1996, and the reasons Florida Power Corporation determined it was necessary to keep the unit down for an extended outage. The Office of Public Counsel (OPC), the Florida Industrial Power Users Group (FIPUG), Attorney General Bob Butterworth (AG), the Florida Consumer Action Network (FCAN), and the Lake Dora Harbour Homeowners Association (LDHHA) have all intervened in this docket.

At the Prehearing conference, the Petitions to Intervene by Senator Charlie Crist and the American Association of Retired Persons, which were unopposed, were considered and granted.

On June 19, 1997, the parties filed a Stipulation which resolves all present and future issues between the parties relating to the current outage of Crystal River 3 (Attachment 1), and a Joint Motion for Expedited Consideration of the Settlement Stipulation. The joint motion asks the Commission to consider the

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Stipulation at the June 26, 1997, hearing date which was set in this docket.

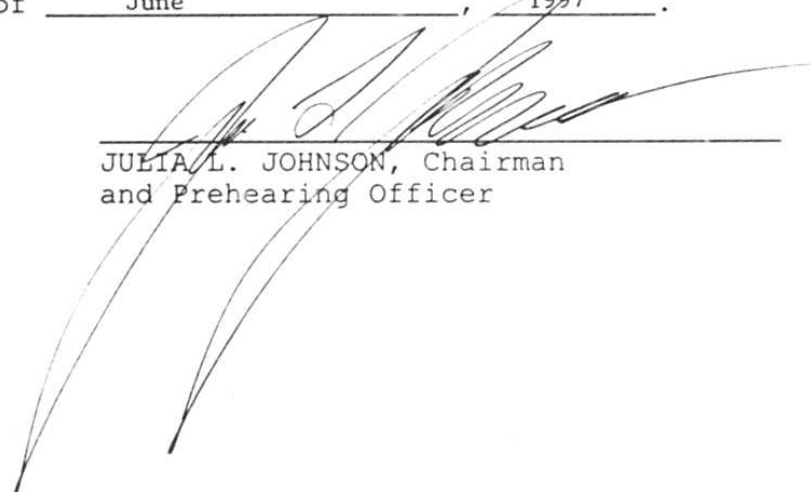
Having considered the comments set forth in the joint motion, the motion was granted. The Commission staff was directed to present its recommendation as to whether the Commission should approve the Stipulation. At the beginning of the hearing set for 10:30 a.m., June 26, 1997, the parties will be afforded the opportunity to address the Commission and respond to questions concerning the Stipulation. The Commission will then consider staff's recommendation on the Stipulation. A customer service hearing is also scheduled for 9:30 a.m., June 26, 1997. During this time, customers will have the opportunity to present their comments to the Commission.

If further proceedings are necessary, they will be scheduled after the Commission's consideration of the stipulation.

It is therefore,

ORDERED by Chairman Julia L. Johnson, as Prehearing Officer, that this Prehearing Order shall govern the conduct of these proceedings as set forth above unless modified by the Commission.

By ORDER of Chairman Julia L. Johnson, as Prehearing Officer, this 25th day of June, 1997.



JULIA L. JOHNSON, Chairman
and Prehearing Officer

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 25-22.0376, 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.