

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition for approval of revised standard offer contract and revised COG-2 rate schedule by Florida Power & Light Company. || DOCKET NO. 031093-EQ
ORDER NO. PSC-04-0148-PCO-EQ
ISSUED: February 11, 2004

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

ORDER SUSPENDING FLORIDA POWER & LIGHT COMPANY'S PROPOSED
STANDARD OFFER CONTRACT AND ASSOCIATED TARIFFS

BY THE COMMISSION:

On December 5, 2003, Florida Power and Light (FPL) filed a petition for approval of a revised standard offer contract and a revised COG-2 rate schedule. Pursuant to Section 366.06(3), Florida Statutes, we may withhold consent to the operation of all or any portion of a new rate schedule, delivering to the utility requesting the new rate schedule a reason or written statement of good cause for doing so within 60 days of the filing. In this instance, we find that the proposed tariffs shall be suspended to allow our staff sufficient time to review the petition in order to present us with an informed recommendation, which constitutes good cause consistent with the terms of Section 366.06(3), Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Power & Light Company's proposed Standard Offer Contract and associated tariffs are hereby suspended. It is further

ORDERED that this docket shall remain open pending a final decision.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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By ORDER of the Florida Public Service Commission this 11th day of February, 2004.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

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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; or (2) 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 the Commission Clerk and Administrative Services, 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.