

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery  
clause with generating performance incentive  
factor.

DOCKET NO. 130001-EI  
ORDER NO. PSC-13-0104-PCO-EI  
ISSUED: February 27, 2013

ORDER AMENDING ORDER ESTABLISHING PROCEDURE

Order No. PSC-13-0069-PCO-EI, issued on February 4, 2013 in Docket No. 130001-EI (OEP), contains a scrivener's error regarding service of discovery responses. This minor error requires correction to prevent confusion among the parties and staff.

Specifically, the provision requiring hard copies of responses to discovery, in paragraph 6, on page 4 of the OEP conflicts with paragraph 5, page 3, providing for discovery responses to be served electronically.

Accordingly, the last sentence of paragraph 6, page 4 of the OEP which reads "A hard copy of responses shall also be served by hand-delivery, U.S. Mail or overnight mail on the day that responses are served electronically" shall be deleted, and paragraph 6 is corrected as follows:

Discovery made prior to the filing of a utility's actual/estimated testimony and exhibits in this docket shall be made in the manner provided in Rules 1.280 through 1.400, Florida Rules of Civil Procedure, except as modified by this Order and any subsequent procedural orders issued in this docket. For discovery requests related to matters raised in a utility's actual/estimated testimony and exhibits, risk management plan for fuel procurement, hedging activity supplemental report, or projection testimony and exhibits, and intervenors' or staff's testimony and exhibits, the responding party shall serve its responses to the requesting party via electronic mail within 20 days of the date of the request. For discovery requests related to matters addressed in a utility's rebuttal testimony, the utility shall serve its responses to the requesting party via electronic mail within 10 days of the date of the request.

Based on the foregoing, it is

ORDERED by Commissioner Eduardo E. Balbis, as Prehearing Officer that Order No. PSC-13-0069-PCO-EI is corrected to accurately reflect that responses to discovery shall be served by electronic mail and no hard copy is required. It is further

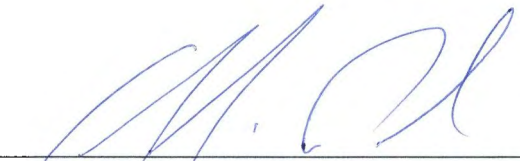
ORDERED that Order No. PSC-13-0069-PCO-EI is affirmed in all other respects.

DOCUMENT NUMBER - DATE

01025 FEB 27 2013

FPSC-COMMISSION CLERK

By ORDER of Commissioner Eduardo E. Balbis, as Prehearing Officer, this 27th day of February, 2013.



EDUARDO E. BALBIS  
Commissioner and Prehearing Officer  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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 Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, 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.