

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Tampa Electric)	DOCKET NO. 881416-EG
Company for modification of its con-)	ORDER NO. 21979
servations cost recovery methodology.)	ISSUED: 10-2-89
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ORDER VACATING STAY

The Office of Public Counsel has filed a notice of Administrative Appeal seeking review of Commission Order Nos. 20825 and 21448 issued in this docket.

On July 28, 1989, Tampa Electric Company (TECO) filed a Motion to vacate stay, requesting that the Commission enter an order vacating any automatic stay which may have been occasioned by Public Counsel's Appeal.

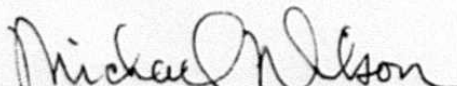
Commission Rule 25-22.061(3) addresses the setting aside of such automatic stays and provides that such relief may be granted by the Commission.

At the August 30, 1989 hearing on Tampa Electric's Motion, Public Counsel argued that the conservation cost recovery proceedings are ongoing and may be revisited by the Commission in order to make adjustments or corrections retroactively. It would follow that the relief sought by Public Counsel herein can be rendered in the conservation cost recovery proceeding should Public Counsel prevail on appeal. Thus it would appear that there is no need for a stay in this docket.

Having considered Tampa Electric's Motion, it appears appropriate that any stay which may have been effected by the filing of Public Counsel's Notice of Appeal in this docket should be vacated. Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that any stay of Order No. 20825 or Order No. 21448, occurring as the result of the filing of a notice of administrative appeal by the Office of Public Counsel is hereby set aside.

By ORDER of Chairman Michael McK. Wilson, as Prehearing Officer, this 2nd day of October, 1989.



MICHAEL MCK. WILSON, Chairman
and Prehearing Officer

(S E A L)

MAP

DOCUMENT NUMBER-DATE

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