

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost)	DOCKET NO. 900001-EI
recovery clause with generation per-)	ORDER NO. 23232
formance incentive factor.)	ISSUED: 7-20-90
_____)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 JOHN T. HERNDON

ORDER DENYING PARTIAL RECOVERY OF REPLACEMENT FUEL COSTS
 DURING OUTAGE AT FLORIDA POWER & LIGHT COMPANY'S
 TURKEY POINT UNITS 3 AND 4

BY THE COMMISSION:

BACKGROUND

Florida Power & Light Company's (FPL's) Turkey Point Nuclear Unit 4 went off line on September 20, 1988 for a scheduled refueling outage and remained out of service until June 11, 1989. Turkey Point Nuclear Unit 3 went off line on October 1, 1988 because a seal failed in a residual heat removal pump. Upon completion of this and other repairs, Unit 3 was returned to service on February 15, 1989 and operated for about one and a half months during February and March of 1989. FPL agreed with the Nuclear Regulatory Commission (NRC) to take Unit 3 off line on March 29, 1989, and keep Unit 4 out of service, because the utility's nuclear operators failed NRC requalification exams. The Nuclear Regulatory Commission (NRC) approved restart of the units on May 4, 1989, but Unit 3 remained out of service until June 24, 1989 for additional repairs.

Not anticipating that these outages would continue into the fuel adjustment period from April-September of 1989, FPL petitioned the Commission on April 28, 1989 for a mid-course correction of its fuel adjustment factor. The Commission approved FPL's petition at its May 16, 1989 Agenda Conference, but requested that FPL be prepared to address the Turkey Point nuclear outages at the August fuel adjustment hearing. However, discussion of the Turkey Point issues was rescheduled because C. O. Woody, FPL's Senior Vice President of Nuclear and a witness in this hearing, became ill.

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On September 15, 1989, the Commission held a hearing to review the outages at Turkey Point Units 3 and 4. The major causes of the extended outages at both nuclear units were identified at this hearing. Several reasons for the outages were discussed at length, including the installation of Unit 4's generator rotor into Unit 3, the repair of the Unit 3 generator rotor and installation of that rotor into Unit 4, the repair of the seal table tubes in both units, and the failure of FPL's nuclear unit operators to pass NRC requalification exams.

J. K. Hays, FPL's Manager of Nuclear Energy Services, addressed the details of the outages. Robert E. Tallon, FPL's President and CEO, testified in Mr. Woody's place. Mr. Tallon discussed the current state of nuclear utility regulation and FPL's response to this regulation with respect to the Turkey Point units. Thomas J. Saporito, appearing as a public witness, read a statement at the beginning of the hearing.

TURKEY POINT UNIT 3

The repair of the residual heat removal (RHR) pump at Turkey Point Unit 3 was completed before February 3, 1989. The electric generator rotor from Turkey Point Unit 4 was installed in Unit No. 3 before February 3, 1989. The intake cooling water flange repairs at Turkey Point Unit 3 were completed before February 3, 1989. The seal table leaks detected at Turkey Point Unit 3 on January 16, 1989 during overpressure testing were repaired and tested without negative results by February 3, 1989. Turkey Point Unit 3 operated during the period February 3 - February 9, 1989 and February 15 - March 29, 1989.

FPL filed for a mid-course correction to its fuel cost recovery factor on April 28, 1989. One of the reasons given was the "lower than anticipated nuclear unit availability." FPL did not disclose that one month earlier, on March 29, 1989, it had voluntarily removed Turkey Point Unit 3 from service and committed to the NRC not to restart Unit 4 because licensed nuclear plant operators had failed their requalification examinations. FPL voluntarily removed Turkey Point Unit 3 from service and committed not to restart Unit 4, which was already off-line for refueling, because some of its operators failed NRC mandated requalification examinations.

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Mr. Hays testified that the NRC gave verbal confirmation on April 21, 1989 to restart Turkey Point Unit 3.

FP&L did not receive written confirmation from the NRC to restart Turkey Point Unit 3 until May 4, 1989. The letter states that it was written pursuant to a phone conversation that same date.

In its Generating Performance Incentive Factor (GPIF) filings, FPL reported that Turkey Point Unit 3 was off-line from April 1, 1989 (the beginning of the reporting period) to May 3, 1989 because of the failure of certain operators to pass requalification examinations. It did not report the outage terminated on April 21, 1989. In its March 1989 Operating Status Reports to the NRC, FPL reported that Turkey Point Unit 3 was "voluntarily shutdown to allow for RCCO Requalification Exams for Licensed Operators." In its April 1989 Operating Status Report to the NRC, FPL reported that Turkey Point Unit 3 "remained shutdown" [throughout the month of April 1989] to allow for RCCO Requalification Exams for Licensed Operators."

FPL discovered further leakage at the seal table in Turkey Point Unit 3 during a walk down inspection of the reactor coolant system (RCS) on April 1, 1989 after the unit was brought off-line on March 29, 1989. The enhanced inspection and repair of seal table leaks at Turkey Point Unit 3 was completed on May 10, 1989. There is no evidence in the record that FPL would have discovered the additional leakage at the Turkey Point Unit 3 seal table while the unit was operating. In its Licensee Event Report to the NRC after the initial leakage at the Turkey Point Unit 3 seal table was discovered on January 16, 1989, FPL committed to reinspect the seal table at the next refueling outage. There is no evidence in the record that FPL would have removed Turkey Point Unit 3 from service on or after March 29, 1989 because of leakage at the seal table.

Mr. Hays testified that there was a "published schedule" to take Turkey Point Unit 3 off-line on April 1, 1989 to perform an integrated safeguards test on Unit 4. This was not mentioned in his prefiled testimony. It was raised for the first time in response to a cross-examination question asking whether, at the time of the License Event Report, FPL expected to have Unit 3 off-line beginning March 29, 1989. The "published schedule" indicating that Turkey Point Unit 3 off-line on April 1, 1989 was not introduced into evidence.

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The date of the schedule is not indicated in the record. The reason Turkey Point would have been removed from service pursuant to the "published schedule" on April 1, 1989, was to perform integrated safeguards testing which is "done as a major test typically towards the end of the refueling outage [at Turkey Point Unit 4]."

There is no evidence in the record that Turkey Point Unit 4, which did not have its electric generator rotor (from Unit 3) repaired and installed until April 10, 1989 and which did not return to service from its refueling outage until June 11, 1989, would have been at the appropriate stage of its refueling outage on April 1, 1989 to actually perform the integrated safeguards testing. The outage of Turkey Point Unit 3 beginning March 29, 1989 caused FPL to incur additional expenses for replacement fuel and purchased power. FPL's customers have experienced increased fuel cost recovery factors because of FPL's decision to remove Turkey Point Unit 3 from services on March 29, 1989.

The purpose of Mr. Hays' prefiled testimony was to explain the outages at Turkey Point Unit 3 between October 1988 and June 1989. His testimony, however, did not account for any occurrences after seal table repairs were completed on May 9, 1989 and Unit 3's return to service on June 24, 1989.

FPL reported in its GPIF filings that Turkey Point Unit 3 was off-line beginning May 4, 1989 for 672 hours (28 days) to repair containment pressure switches. In response to an interrogatory filed by Public Counsel, FPL said a switch was removed from Unit 3 and installed in Unit 4 because it was expected that Unit 4 would return to service first. Unit 3 would not be restarted because the spare switches on hand could not be used.

The Turkey Point 3 outage commencing March 29, 1989, was attributed to FPL's nuclear operators' failure to pass NRC requalification exam. Because operator training is directly a management function, we find that this outage was the responsibility of FPL's management. However, the outage concurred with a previously scheduled outage for equipment safeguards testing that was set to begin on April 1, 1989. During this planned outage, FPL identified and performed essential repairs. Thus, even though management was responsible for the outage, replacement fuel costs were prudently incurred commencing April 1.

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Therefore, only replacement fuel costs for the period March 29 through April 1, 1989, should be disallowed. Since the outage attributable on April 1, 1989, was included in GPIF calculation for the period beginning April, the amount disallowed is \$492,075.

TURKEY POINT UNIT 4

Turkey Point Unit 4 was removed from service for a scheduled refueling outage on September 20, 1988. The anticipated return to service date was January 2, 1989. The unit did not return to service until June 10, 1989. During and after the scheduled outage numerous necessary repairs were made which extended the length of the outage including: repairs to the rotor (October 12, 1988 through April 10, 1989); seal table leak repairs (April 1, 1989 through April 27, 1989); and repairs to a containment pressure switch (March 29, 1988 through May 3, 1989). During a portion of this period, FPL committed to the NRC not to restart Unit 4 due to the failure of FPL operators to successfully complete NRC recertification exams.

Operator training is a management function. Therefore, the portion of the outage attributable to this failure is a management responsibility. Unlike Unit 3, Unit 4 was off-line for necessary repairs when the unfavorable test results became known. For the period beginning April 1, 1989, FPL has been penalized for this outage in the setting of its Generating Performance Incentive Factors.

Although repairs extended the planned refueling outage at Turkey Point 4 far beyond the unit's proposed return-to-service date, these repairs appear to have been prudent and necessary. Therefore, replacement fuel costs for Unit 4 were reasonably incurred. We find that FPL is entitled to recover all replacement fuel costs resulting from the extended outage at Unit 4.

RULINGS ON OFFICE OF PUBLIC COUNSEL'S PROPOSED FINDINGS OF FACT

Pursuant to section 120.57(1)(b)(4), Florida Statutes, and Rule 25-22.056, Florida Administrative Code, the Office of Public Counsel submitted 43 proposed Findings of Fact and 8

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proposed Conclusions of Law. As required by Section 120.59(2), Florida Statutes, the following rulings are made on the proposed findings.

1. FPL filed for a mid-course correction to its fuel cost recovery factor on April 28, 1989. One of the reasons given was the "lower than anticipated nuclear unit availability." FPL did not disclose that one month earlier, on March 29, 1989, it had voluntarily removed Turkey Point Unit 3 from service and committed to the NRC not to restart Unit 4 because licensed nuclear plant operators had failed their requalification examinations.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

2. FPL voluntarily removed Turkey Point Unit 3 from service and committed not to restart Unit 4, which was already off-line for refueling, because some of its operators failed NRC mandated requalification examinations.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

3. Mr. Hays testified in his prefiled direct testimony that the outages at Turkey Point Units 3 and 4 were unavoidable. He agreed, however, on cross-examination at the hearing that the outage that began on March 29, 1989 was not unavoidable. We find that the outage that began at Turkey Point Unit 3 on March 29, 1989 was avoidable.

We reject this finding. The term "avoidable" requires interpretation or definition in this context. Further, to some extent, this proposal constitutes a conclusion of law rather than a finding of fact.

4. The repair of the residual heat removal (RHR) pump at Turkey Point Unit 3 was completed before February 3, 1989.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

5. The electric generator rotor from Turkey Point Unit 4 was installed in Unit No. 3 before February 3, 1989.

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We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

6. The intake cooling water flange repairs at Turkey Point Unit 3 were completed before February 3, 1989.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

7. The seal table leaks detected at Turkey Point Unit 3 on January 16, 1989 during overpressure testing were repaired and tested without negative results by February 3, 1989.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

8. Turkey Point Unit 3 operated during the period February 3 - February 9, 1989 and February 15 - March 29, 1989.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

9. FPL did not receive written confirmation from the NRC to restart Turkey Point Unit 3 until May 4, 1989.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

10. Mr. Hays testified that the NRC gave verbal confirmation on April 21, 1989 to restart Turkey Point Unit 3. However there is no other evidence of that communication or the date on which FPL could restart Unit 3 pursuant to it. The May 4, 1989 letter from the NRC states that it was written pursuant to a phone conversation that same date. We find that FPL has not established the date on which Unit 3 could be restarted pursuant to the April 21, 1989 verbal communication from the NRC.

We accept the first three sentences of this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding. We reject the last sentence because it is conclusory.

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11. In its GPIF filings, FPL reported that Turkey Point Unit 3 was off-line from April 1, 1989 (the beginning of the reporting period) to May 3, 1989 because of the failure of certain operators to pass requalification examinations. It did not report the outage terminated on April 21, 1989.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

12. In its March 1989 Operating Status Reports to the NRC, FPL reported that Turkey Point Unit 3 was "voluntarily shutdown to allow for RCCO Requalification Exams for Licensed Operators."

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

13. In its April 1989 Operating Status Report to the NRC, FPL reported that Turkey Point Unit 3 "remained shutdown" [throughout the month of April 1989] to allow for RCCO Requalification Exams for Licensed Operators."

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

14. There is no evidence in the record that FPL reported to this Commission or to the NRC any other reason for Turkey Point Unit 3 being off-line from March 29, 1989 to May 3, 1989 other than failure of operators to pass requalification examinations.

We reject this finding. While there is no evidence of any prior report by FPL, there is testimony that there was a planned outage for Unit 3 beginning April 1, 1989.

15. FPL discovered further leakage at the seal table in Turkey Point Unit 3 during a walkdown inspection of the reactor coolant system (RCS) on April 1, 1989 after the unit was brought off-line on March 29, 1989.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

16. The enhanced inspection and repair of seal table leaks at Turkey Point Unit 3 was completed on May 10, 1989.

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We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

17. There is no evidence in the record that FPL would have discovered the additional leakage at the Turkey Point Unit 3 seal table while the unit was operating.

We accept this proposed finding with the provision that we do not necessarily conclude that FPL would not have found the leakage while the unit was operating.

18. In its Licensee Event Report to the NRC after the initial leakage at the Turkey Point Unit 3 seal table was discovered on January 16, 1989, FPL committed to reinspect the seal table at the next refueling outage.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

19. There is no evidence in the record that FPL would have removed Turkey Point Unit 3 from service on or after March 29, 1989 because of leakage at the seal table.

We accept this proposed finding, with the provision that the record indicates that the utility planned to take the unit down on April 1.

20. Mr. Hays testified that there was a "published schedule" to take Turkey Point Unit 3 off-line on April 1, 1989 to perform an integrated safeguards test on Unit 4. [T. 142]. This was not mentioned in his prefiled testimony. It was raised for the first time in response to a cross-examination question asking whether, at the time of the License Event Report, FPL expected to have Unit 3 off-line beginning March 29, 1989.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

21. The "published schedule" indicating that Turkey Point Unit 3 off-line on April 1, 1989 was not introduced into evidence. The date of the schedule is unknown.

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We accept in part. We modify to indicate that the date of the schedule is not indicated in the record, rather than "unknown".

22. The reason Turkey Point would have been removed from service pursuant to the "published schedule" on April 1, 1989, was to perform integrated safeguards testing which is "done as a major test typically towards the end of the refueling outage [at Turkey Point Unit 4]."

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

23. There is no evidence in the record that Turkey Point Unit 4, which did not have its electric generator rotor (from Unit 3) repaired and installed until April 10, 1989 and which did not return to service from its refueling outage until June 11, 1989, would have been at the appropriate stage of its refueling outage on April 1, 1989 to actually perform the integrated safeguards testing.

We accept this finding. However, we do not draw the conclusion that Unit 4 was not at the appropriate stage of its refueling outage on April 1, 1989 to perform the integrated safeguards test.

24. FPL has not provided sufficient evidence for the Commission to conclude that, even if Turkey Point Unit 3 had not been removed from service on March 29, 1989, it would have been taken off-line on April 1, 1989.

We reject this proposed finding as it constitutes, to some extent, a conclusion of law rather than a finding of fact.

25. FPL has not provided any evidence that Turkey Point Unit 3 was not expected to operate until its next refueling outage.

We reject this finding. Testimony at hearing indicated that FPL's plant procedure requires an inspection to be performed any time the unit is down after it has been in operation longer than 30 days.

26. The next refueling outage at Turkey Point Unit 3 was expected to begin on November 18, 1989 and continue through

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March 5, 1990 pursuant to the Integrated Schedule for March 1989 prepared by FPL and transmitted to the NRC.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

27. The additional repairs to the Turkey Point Unit 3 seal table would have been performed during the refueling outage without additional downtime attributable to those repairs if FPL had not removed the unit from service on March 29, 1989 because of operator licensing examination failures.

We reject this finding, as it constitutes conjecture.

28. Since the outage at Turkey Point Unit 3 beginning March 29, 1989 was avoidable, and the seal table leak repairs performed as a result of that outage were not otherwise detectable, the outage itself was attributable to FPL's voluntary decision to remove Turkey Point Unit 3 from service because of the failure of licensed operators to pass requalification examinations.

We reject this proposed finding. While we agree that the outage began when licensed operators failed requalification exams, we do not agree that the entire outage was due to operator exam failure.

29. The duration of the outage at Turkey Point Unit 3 attributable to the failure of operators to pass requalification examinations was from March 29, 1989-May 4, 1989 plus additional days necessary to bring the unit back on line.

We accept this finding, with the proviso that "operators" means both shift and non-shift personnel.

30. The outage of Turkey Point Unit 3 beginning March 29, 1989 caused FPL to incur additional expenses for replacement fuel and purchased power.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

31. FPL's customers have experienced increased fuel cost recovery factors because of FPL's decision to remove Turkey

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Point Unit 3 from services on March 29, 1989.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

32. The purpose of Mr. Hays' prefiled testimony was to explain the outages at Turkey Point Unit 3 between October 1988 and June 1989. His testimony, however, did not account for any occurrences after seal table repairs were completed on May 9, 1989 and Unit 3's return to service on June 24, 1989.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

33. FPL reported in its GPIF filings that Turkey Point Unit 3 was off-line beginning May 4, 1989 for 672 hour (28 days) to repair containment pressure switches. In response to an interrogatory filed by Public Counsel, FPL said a switch was removed from Unit 3 and installed in Unit 4 because it was expected that Unit 4 would return to service first. Unit 3 would not be restarted because the spare switches on hand could not be used.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

34. There is no evidence in the record from which the Commission can discern that FPL was prudent in failing to have functional containment pressure switches in inventory.

We reject this finding. It is misleading as stated, in that the Commission must focus on whether the utility was imprudent. Further, we believe that the record supports a finding that the failure to have containment pressure switches was not imprudent under the circumstances.

35. There is no evidence in the record from which the Commission can determine that FPL acted prudently and expeditiously to obtain replacement containment pressure switches.

We reject this finding for the same reasons stated in number 34, above.

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TURKEY POINT UNIT 4

36. Turkey Point Unit 4 was removed from service for a scheduled refueling outage on September 20, 1988 with an expected return to service on January 2, 1989.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

37. The electric generator rotor removed from Turkey Point Unit 3 was received back from the repair facility and installed in Unit 4 by April 10, 1989.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

38. On March 29, 1989, FPL agreed not to restart Turkey Point Unit 4 until sufficient number of operators passed requalification examinations.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

39. The NRC did not provide written confirmation that Turkey Point Unit 4 could be restarted after the operator examination failure until May 4, 1989.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

40. There is no evidence in the record that FPL would have evaluated the Turkey Point Unit 4 seal table for leaks and performed repairs between April 1 and April 27, 1989 if Unit 3 had not been removed from service voluntarily on March 29, 1989.

We accept this proposed finding with the proviso that we do not necessarily conclude that FPL would not have found the leakage while the unit was operating.

41. Turkey Point Unit 4 was off-line for refueling on January 16, 1989 when overpressure testing at Unit 3 detected seal table leakage.

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

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42. There is no evidence that FPL could not have performed leak tests on the seal table at Turkey Point Unit 4 at that time.

We reject this proposed finding, as the time period in question is unclear.

43. FPL agreed in its Licensee Event Report to the NRC that it would inspect the seal table at Turkey Point Unit 4 at that unit's next refueling outage. [Exh. 232]

We accept this proposed finding, as it is supported by a preponderance of the evidence in the record of this proceeding.

PROPOSED CONCLUSIONS OF LAW

1. FPL is the party seeking affirmative relief in this docket and, as such, carries the burden of proof to establish the prudence of its replacement fuel and purchased power costs.

We adopt and incorporate this conclusion.

2. Pursuant to the Florida Supreme Court's opinion in Florida Power Corporation v. Cresse, 413 So.2d 1187, 1191 (Fla. 1982), FPL must have demonstrated upon the record of the hearing held in this docket on September 15, 1989, that the replacement fuel costs incurred were reasonable and were not the fault of management.

We adopt and incorporate this conclusion.

3. Pursuant to Section 120.57(1)(b)8, Florida Statutes, the Commission must base its findings of fact exclusively on the evidence of record and on matters officially recognized.

We adopt and incorporate this conclusion.

4. The Commission concludes, as a matter of law, that FPL did not provide sufficient evidence for the Commission to conclude that all replacement fuel costs during the period October 1988 through June 1989 for the Turkey Point Unit 3 and 4 nuclear units were reasonable and not the fault of management.

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We reject this proposed conclusion as Staff believes the record contains sufficient evidence from which the Commission could conclude that all replacement fuel costs were reasonable and not the fault of management.

5. The Commission concludes that FPL failed to establish that the removal of Turkey Point Unit 3 from Service on March 29, 1989 was not the fault of FPL's management.

We adopt and incorporate this inclusion.

6. The Commission concludes that the outage at Turkey Point Unit 3 was avoidable and that, since FPL has not demonstrated the unit would otherwise have been off-line before June 30, 1989, replacement fuel and purchased power costs for the period March 29, 1989-June 24, 1989 must be refunded to FPL's customers.

We reject this conclusion. While the beginning of the outage may have been avoidable, it was prudent for the utility to repair seal table leaks at that time.

7. Since the March 29, 1989 shutdown at Turkey Point Unit 3 was avoidable, FPL's commitment not to restart Turkey Point Unit 4 was also avoidable.

We adopt and incorporate this proposed conclusion.

8. FPL has not demonstrated on the record of this proceeding that Turkey Point Unit 4 could not have returned to service approximately two weeks after the installation of the electric generator rotor on April 10, 1989. Accordingly, replacement fuel and purchased power costs between April 24, 1989 and June 11, 1989 must be refunded to FPL's customers.

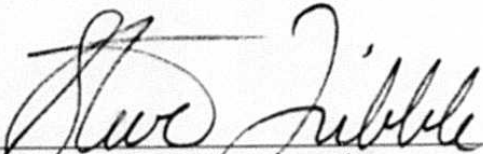
We reject this proposed conclusion, as it does not accurately reflect the record in this proceeding.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission, that Florida Power & Light Company not recover replacement fuel costs in the amount of \$492,075 incurred for the period of March 29 through March 31, 1989, as a result of the outage at its Turkey Point Unit 3 facility.

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By ORDER of the Florida Public Service Commission,
this 20th day of July, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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 the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, 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 sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.