

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for)	Docket No. 910816-EQ
Determination of Need for)	Order No. PSC-92-0678-FOF-EQ
Electrical Power Plant)	Issued: 7/21/92
(Amelia Island Cogeneration)	
Facility) by Nassau Power)	
Corporation)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
SUSAN F. CLARK

ORDER DENYING NASSAU'S MOTION FOR RECONSIDERATION

BY THE COMMISSION:

On February 25, 1992, the Commission entered its final order, Order 25808, in Docket No. 910816-EQ, denying Nassau Power Corporation's (Nassau's) Petition for Determination of Need. In the Order, we considered Nassau's impact on electric system reliability and integrity, the need for adequate electricity at a reasonable cost, the cost-effectiveness of Nassau's alternative to other alternatives that were available, and conservation measures which may have mitigated the need for the Nassau Project. Having considered these factors, we found that Nassau's proposed 435 megawatt natural gas fired cogeneration facility on Amelia Island in Nassau County, Florida was not needed.

On March 11, 1992, Nassau timely filed a Motion for Reconsideration of our final order, and a request for oral argument on its motion. Florida Power and Light Company (FPL) filed its response in opposition of Nassau's motion on March 23, 1992. Oral argument was held on May 18, 1992.

Nassau's motion alleges that there is a need for the project, that the Nassau project is cost-effective, that the transmission system is adequate, and that the Commission imposed discriminatory standards upon Nassau. In FPL's response, it states that our final order should not be reconsidered because Nassau made no showing that would justify reconsideration of our denial of Nassau's determination of need.

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FILE RECORDS/REPORTING

We find that Nassau's objections to our final order do not contain a single material point of fact or law that we overlooked or failed to consider in this case. Nassau has shown no mistake of fact or law, which if viewed correctly would yield a different result. The arguments presented by Nassau in its motion are arguments which Nassau has presented to us before, and they are arguments which we have fully considered and summarily rejected.

The purpose of a motion for reconsideration is to bring to our attention some material and relevant point of fact or law which was overlooked, or which we failed to consider when we rendered the order in the first instance. See Diamond Cab Co. v. King, 146 So.2d 889 (Fla. 1962); Pingree v. Quaintance, 394 So.2d 161 (Fla. DCA 1981). It is not an appropriate avenue for rehashing matters which were already considered, or for raising immaterial matters which even if adopted would not materially change the outcome of the case.

As to Nassau's statement that "the Commission erroneously reasoned that ... a 'one year need' does not justify Nassau Power's project" (Nassau's Motion, p. 2), we clearly stated in Order 25808, "a long term commitment to additional capacity is inappropriate to fix a one year problem." (Order 25808, p. 9) Because we did not find Nassau's project to be the most cost-effective alternative available, we did not find an affirmative determination of need to be appropriate.

In addition, Nassau indicated that our treatment of Nassau was only providing "lip service to [our] responsibility and commitment to encourage cogeneration." (Tr, p.16) Before Nassau signed the standard offer contract, it knew the criteria with which it would be judged. The Commission did not mislead Nassau. Nassau knew that it would be judged on the basis of individual utility need.

For the reasons discussed above, we find that the Commission should not reconsider Order No. 25808. Nassau's motion does not provide any material factual or legal ground that we did not previously consider that would require a different decision in this case.

Because Nassau has appealed Order 25808 to the Supreme Court of Florida, this docket should remain open until the Supreme Court enters its final order on this matter.

It is, therefore,

ORDER NO. PSC-92-0678-FOF-EQ
DOCKET NO. 910816-EQ
PAGE 3

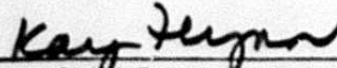
ORDERED by the Florida Public Service Commission that Nassau Power Corporation's motion to reconsider Order No. 25808 is hereby denied.

By Order of the Florida Public Service Commission this 21st day of July, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

MAB:bmi

By: 
Chief, Bureau of Records

NOTICE OF 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 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 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.