

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Fuel and Purchased Power) DOCKET NO. 920001-EI
Cost Recovery Clause and) ORDER NO. PSC-92-0775-PHO-EI
Generating Performance Incentive) ISSUED: 08/10/92
Factor.)
_____)

Pursuant to Notice, a Prehearing Conference was held on August 5, 1992 in Tallahassee, Florida, before Commissioner Betty Easley, Prehearing Officer.

APPEARANCES:

JAMES A. MCGEE, Esquire, Florida Power Corporation, P.O. Box 14042, St. Petersburg, Florida 33733
On behalf of Florida Power Corporation.

CHARLES A. GUYTON, Esquire and MATTHEW M. CHILDS, Esquire, Steel Hector & Davis, 215 South Monroe, Suite 601, Tallahassee, Florida 32301-1804
On behalf of Florida Power & Light Company.

LAURA L. WILSON and, ROBERT S. GOLDMAN, Esquire, Messer, Vickers, Caparello, Madsen, Lewis Goldman & Metz, P.A., P.O. Box 1876, Tallahassee, Florida 32302-1876
On behalf of Florida Public Utilities Company.

G. EDISON HOLLAND, JR., Esquire, and JEFFREY A. STONE, Esquire, Beggs & Lane, 700 Blount Building, 3 West Garden Street, P.O. Box 12950, Pensacola, Florida 32576-2950
On behalf of Gulf Power Company.

LEE L. WILLIS, Esquire, and JAMES D. BEASLEY, Esquire, Ausley, McMullen, McGehee, Carothers and Proctor, P.O. Box 391, Tallahassee, Florida 32302
On behalf of Tampa Electric Company.

VICKI GORDON KAUFMAN, Esquire, Lawson, McWhirter, Grandoff and Reeves, 522 East Park Ave., Suite 200, Tallahassee, Florida 32301
On behalf of the Florida Industrial Power Users Group.

JOHN ROGER HOWE, Esquire, Assistant Public Counsel, Office of Public Counsel, c/o The Florida Legislature, 111 W. Madison Street, Suite 812, Tallahassee, Florida 32399-1400
On behalf of the Citizens of the State of Florida.

DOCUMENT NUMBER-DATE

08899 AUG 10 1992

PSC-RECORDS/REPORTING

MARTHA CARTER BROWN, Esquire, 101 E. Gaines St.,
Tallahassee, Florida 32399-0863
On behalf of the Staff of the Florida Public Service
Commission.

PRENTICE P. PRUITT, Esquire, Office of the General
Counsel, 101 East Gaines Street, Tallahassee, Florida,
32399-0861
Counsel to the Commissioners.

PREHEARING ORDER

I. CASE BACKGROUND

As part of the Commission's continuing fuel and energy conservation cost and purchased gas cost recovery proceedings, a hearing is set for August 12-14, 1992 in this docket and in Dockets No. 910002-EG and 910003-GU. The following subjects were noticed for hearing in such dockets:

1. Determination of the Proposed Levelized Fuel Adjustment Factors for all investor-owned utilities for the period October, 1992 through March, 1993;
2. Determination of the Estimated Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period April, 1992 through September, 1992, which are to be based on actual data for the period April, 1992 through May, 1992, and revised estimates for the period June, 1992 through September, 1992;
3. Determination of the Final Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period October, 1991 through March, 1992, which are to be based on actual data for that period;
4. Determination of Projected Conservation Cost Recovery Factors for certain investor-owned electric and gas utilities for the period October, 1992 through March, 1993.
5. Determination of the Estimated Conservation True-Up Amounts for certain investor-owned electric and gas utilities for the period April, 1992 through September, 1992, which are to be based on actual data for the period April, 1992 through May, 1992, and revised estimates for the period June, 1992 through September, 1992.

6. Determination of the Final Conservation True-Up Amounts for certain investor-owned electric and gas utilities for the period October, 1991 through March, 1992, which are to be based on actual data for that period;
7. Determination of any Projected Oil Backout Cost Recovery Factors for the period October, 1992 through March, 1993, for the cost of approved oil backout projects to be recovered pursuant to the provisions of Rule 25-17.016, Florida Administrative Code.
8. Determination of the Estimated Oil Backout Cost Recovery True-Up Factors for the period April, 1992 through September, 1992, for the costs of approved oil backout projects to be recovered pursuant to the provisions of Rule 25-17.016, Florida Administrative Code, which are to be based on actual data for the period April, 1992 through May, 1992, and revised estimates for the period June, 1992 through September, 1992.
9. Determination of the Final Oil Backout True-Up Amounts for the period October, 1991 through March, 1992, which are to be based on actual data for that period;
10. Determination of Generating Performance Incentive Factor Targets and Ranges for the period October, 1992 through March, 1993;
11. Determination of Generating Performance Incentive Factor Rewards and Penalties for the period October, 1991 through March, 1992;
12. Determination of the Purchased Gas Adjustment True-Up Amounts for the period October, 1991 through March, 1992, to be recovered during the period October, 1992 through March, 1993.

II. PROCEDURE FOR HANDLING CONFIDENTIAL INFORMATION

A. Any information provided pursuant to a discovery request for which proprietary confidential business information status is requested shall be treated by the Commission and the parties as confidential. The information shall be exempt from Section 119.07(1), Florida Statutes, pending a formal ruling on such request by the Commission, or upon the return of the information to the person providing the information. If no determination of confidentiality has been made and the information has not been used

in the proceeding, it shall be returned expeditiously to the person providing the information. If a determination of confidentiality has been made and the information was not entered into the record of the proceeding, it shall be returned to the person providing the information within the time periods set forth in Section 366.093, Florida Statutes.

B. It is the policy of the Florida Public Service Commission that all Commission hearings be open to the public at all times. The Commission also recognizes its obligation pursuant to Section 366.093, Florida Statutes, to protect proprietary confidential business information from disclosure outside the proceeding.

In the event it becomes necessary to use confidential information during the hearing, the following procedures will be observed:

- 1) Any party wishing to use any proprietary confidential business information, as that term is defined in Section 366.093, Florida Statutes, shall notify the Prehearing Officer and all parties of record by the time of the Prehearing Conference, or if not known at that time, no later than seven (7) days prior to the beginning of the hearing. The notice shall include a procedure to assure that the confidential nature of the information is preserved as required by statute.
- 2) Failure of any party to comply with 1) above shall be grounds to deny the party the opportunity to present evidence which is proprietary confidential business information.
- 3) When confidential information is used in the hearing, parties must have copies for the Commissioners, necessary staff, and the Court Reporter, in envelopes clearly marked with the nature of the contents. Any party wishing to examine the confidential material that is not subject to an order granting confidentiality shall be provided a copy in the same fashion as provided to the Commissioners, subject to execution of any appropriate protective agreement with the owner of the material.
- 4) Counsel and witnesses are cautioned to avoid verbalizing confidential information in such a way that would compromise the confidential information. Therefore, confidential information should be

presented by written exhibit when reasonably possible to do so.

- 5) At the conclusion of that portion of the hearing that involves confidential information, all copies of confidential exhibits shall be returned to the proffering party. If a confidential exhibit has been admitted into evidence, the copy provided to the Court Reporter shall be retained in the Commission Clerk's confidential files.

III. PREFILED TESTIMONY AND EXHIBITS

Testimony of all witnesses to be sponsored by the parties and Staff has been prefiled. All testimony which has been prefiled in this case will be inserted into the record as though read after the witness has taken the stand and affirmed the correctness of the testimony and associated exhibits. All testimony remains subject to appropriate objections. Each witness will have the opportunity to orally summarize his or her testimony at the time he or she takes the stand. Upon insertion of a witness' testimony, exhibits appended thereto may be marked for identification. After all parties and Staff have had the opportunity to object and cross-examine, the exhibit may be moved into the record. All other exhibits may be similarly identified and entered into the record at the appropriate time during the hearing.

Witnesses are reminded that, on cross-examination, responses to questions calling for a simple yes or no answer shall be so answered first, after which the witness may explain his or her answer.

IV. ORDER OF WITNESSES

The witness schedule is set forth below in order of appearance by the witness' name, subject matter, and the issues that will be covered by that witness' testimony.

Witnesses whose names are preceded by an asterisk have been excused. The parties have stipulated that the testimony of those witnesses will be inserted into the record as though read, and cross-examination will be waived.

<u>Witness</u>	<u>Appearing For</u>	<u>Issues #</u>
<u>FPC</u>		
*Karl H. Wieland	FPC	1-7 & 18-22
*William C. Micklon	FPC	11,12
<u>FPL</u>		
*E.L. Hoffman	FPL	1,2,3
*R. Silva	FPL	1,2,3,
*C. O'Farrill		4,5,6,7,
*B.T. Birkett		8
*F.R. Overby	FPL	11,12
*E.L. Hoffman	FPL	15,16,17, 18,19,20,21,22
B.T. Birkett S.S. Waters	FPL	18,19,20,21,22,24
<u>FPUC</u>		
*G.M. Bachman	FPUC	1-7
<u>Gulf</u>		
M. L. Gilchrist	Gulf	1,2,3
*S. D. Cranmer	Gulf	1, 2, 3, 4, 6, 7
*G. D. Fontaine	Gulf	11, 12
M. W. Howell	Gulf	25a, 25b
R. J. McMillan	Gulf	25a, 25b, 25c
S. D. Cranmer	Gulf	18, 19, 20, 21, 22, 25c, 25d

<u>Witness</u>	<u>Appearing For</u>	<u>Issues #</u>
<u>TECO</u>		
*J. Edwin Mulder	TECO	1,2,3,4,6,7,18, 19,20,21,22,26
*G. A. Keselowsky	TECO	11,12
*R. F. Tomczak	TECO	14,15,16,17
*E. A. Simokat		
*W. N. Cantrell	TECO	10c

V. BASIC POSITIONS

FLORIDA POWER CORPORATION (FPC): None Necessary.

FLORIDA POWER & LIGHT COMPANY (FPL): None Necessary.

FLORIDA PUBLIC UTILITIES COMPANY (FPUC): Florida Public Utilities has properly projected its costs and calculated its true-up amounts and purchased power cost recovery factors. Those factors should be approved by the Commission.

GULF POWER COMPANY (GULF): It is the basic position of Gulf Power Company that the proposed fuel factors and capacity cost recovery factors present the best estimate of Gulf's fuel and purchased power expense for the period October 1992 through March 1993 including the true-up calculations, GPIF and other adjustments allowed by the Commission.

TAMPA ELECTRIC COMPANY (TECO): The Commission should approve Tampa Electric's calculation of its fuel adjustment, capacity cost recovery, GPIF, and oil backout cost recovery true-up calculations and projections, including the proposed fuel adjustment factor of 2.358 cents per KWH before application of factors which adjust for variation in line losses; the proposed capacity cost recovery factors; a GPIF reward of \$403,442; and an oil backout cost recovery factor of .098 cents per KWH.

FLORIDA INDUSTRIAL POWER USERS GROUP (FIPUG): On the issues related to the capacity cost recovery factor, it is FIPUG's position that Order No. 25773 makes it clear that no costs are to be recovered through the capacity cost recovery factor which are already accounted for in base rates. Thus, the requests made by Gulf Power and FPL to pass the capacity portions of certain

contracts through the capacity cost recovery clause, which contracts have already been accounted for in base rates, should be denied.

OFFICE OF THE PUBLIC COUNSEL (OPC): Only those costs demonstrated by the utilities to have been prudently incurred should be allowed for fuel cost recovery.

STAFF: No position at this time.

VI. ISSUES AND POSITIONS

* Stipulated issues are indicated with an asterisk in the margin.

Generic Fuel Adjustment Issues

*ISSUE 1: What are the appropriate final fuel adjustment true-up amounts for the period October, 1991 through March 1992?

FPC: \$22,416,601 overrecovery (Wieland)

FPL: \$57,265,882 overrecovery (Hoffman)

FPUC: Underrecovery \$52,582 (Marianna) (Bachman)
Overrecovery \$144,251 (Fernandina Beach) (Bachman)

GULF: Under recovery \$2,705,971. (Cranmer)

TECO: An underrecovery of \$81,492. (Mulder)

*ISSUE 2: What are the estimated fuel adjustment true-up amounts for the period April, 1992 through September 1992?

FPC: \$13,094,231 overrecovery less the \$22,418,369 midcourse correction being refunded during the current period for a net underrecovery of \$9,324,138. (Wieland)

FPL: \$21,694,083 underrecovery. (Hoffman)

FPUC: Underrecovery \$84,169 (Marianna) (Bachman)
Overrecovery \$145,678 (Fernandina Beach) (Bachman)

GULF: Under recovery \$1,622,183. (Cranmer)

TECO: An overrecovery of \$7,470,211. (Mulder)

***ISSUE 3:** What are the total fuel adjustment true-up amounts to be collected during the period October 1992 through March, 1993?

FPC: \$13,092,463 overrecovery (Wieland)

FPL: \$35,571,799 overrecovery. (Hoffman)

FPUC: \$136,751 to be collected (Marianna) (Bachman)
\$289,929 to be refunded (Fernandina Beach) (Bachman)

GULF: Under recovery \$4,328,154. (Cranmer)

TECO: An overrecovery of \$7,388,719. (Mulder)

***ISSUE 4:** What are the appropriate levelized fuel cost recovery factors for the period October, 1992 through March, 1993?

FPC: 1.785 cents per kWh non-time differentiated
2.306 cents per kWh - On-Peak
1.569 cents per kWh - Off-Peak (Wieland)

FPL: 1.709 cents/kWh is the levelized recovery charge for non-time differentiated rates and 1.848 cents kWh and 1.654 cents/kWh are the levelized fuel recovery charges for the on-peak and off-peak periods, respectively, for the differentiated rates. (Birkett)

FPUC: 2.772¢/kwh (Marianna) (Bachman)
4.433¢/kwh (Fernandina Beach) (Bachman)

These factors are calculated to include true-up and revenue tax, exclude demand cost recovery, and have not been adjusted for line losses.

GULF: 2.301 cents per KWH. (Cranmer)

TECO: 2.358 cents per KWH before application of the factors which adjust for variations in line losses. (Mulder)

***ISSUE 5:** What should be the effective date of the new fuel adjustment charge, oil backout charge, capacity cost recovery charge and conservation cost recovery charge for billing purposes?

POSITION: The factor should be effective beginning with the specified fuel cycle and thereafter for the period October, 1992 through March, 1993. Billing cycles may start before October 1, 1992, and the last cycle may be read after March 30, 1993, so that each customer is billed for six months regardless of when the adjustment factor became effective.

With respect to Florida Power Corporation, the effective date of the new charges will be the effective date of the base rate changes associated with FPC's pending rate case, Docket No. 910890-EI, on or about Nov 1, 1992. Florida Power Corporation's present Fuel Cost Recovery Factor will remain in effect until those base rate changes are implemented.

***ISSUE 6:** What are the appropriate fuel recovery loss multipliers to be used in calculating the fuel cost recovery factors charged to each rate class?

<u>FPC:</u>	<u>Group</u>	<u>Rate Schedule</u>	<u>Multiplier</u>
A		RS	1.0027
B		GS - Primary	0.9888
C		GS & MS - Secondary	1.0027
D		GS - 2	1.0027
E		GSD - Primary	0.9888
F		GSD - Secondary	1.0027
G		GSLD & SS1 - Transmission	0.9786
H		GSLD & SS1 - Primary	0.9888
I		GSLD - Secondary	1.0027
J		CS & SS2 - Transmission	0.9786
K		CS & SS2 - Primary	0.9888
L		IS & SS3 - Trans Dely/Tran Mtr	0.9786
M		IS & SS3 - Prim Dely/Trans Mtr	0.9786
N		IS & SS3 - Prim Dely/Prim Mtr	0.9888
O		OL & SL - Lighting	1.0027

FPL: See Attachment I, Column 4. (Birkett)

FPUC: Marianna

<u>Rate Schedule</u>	<u>Multiplier</u>
RS	1.0126
GS	0.9963
GSD	0.9963
OL, OL-2	1.0126
SL-1, SL-2	0.9881

Fernandina Beach

<u>Rate Schedule</u>	<u>Multiplier</u>
All Rate Schedules	1.000

GULF: (Cranmer)

<u>Group</u>	<u>Rate Schedules</u>	<u>Loss multiplier</u>
A	RS, GS, GSD, OSIII, OSIV	1.01228
B	LP	0.98106
C	PX	0.96230
D	OSI, OSII	1.01228

TECO:

	<u>Multiplier</u>
Group A	1.0147
Group A1	1.0147
Group B	0.9975
Group C	0.9686
System (Mulder)	1.0000

***ISSUE 7:** What are the appropriate Fuel Cost Recovery Factors for each rate group adjusted for line losses?

<u>FPC:</u>	<u>Group</u>	<u>Levelized</u>	<u>On-Peak</u>	<u>Off-Peak</u>
	A	1.790	2.312	1.573
	B	1.765	2.280	1.551
	C	1.790	2.312	1.573
	D	1.790	2.312	1.573
	E	1.765	2.280	1.551
	F	1.790	2.312	1.573
	G	1.747	2.257	1.535
	H	1.765	2.280	1.551
	I	1.790	2.312	1.573
	J	1.747	2.257	1.535
	K	1.765	2.280	1.551
	L	1.747	2.257	1.535
	M	1.747	2.257	1.535
	N	1.765	2.280	1.551
	O	1.711		

FPL: See Attachment I, Column 5. (Birkett)

FPUC: Marianna

<u>Rate Schedule</u>	<u>Factor</u>
RS	4.857/¢kwh
GS	4.523/¢kwh
GSD	4.100/¢kwh
OL, OL-2	2.807/¢kwh
SL-1, SL-2	2.739/¢kwh

Fernandina Beach

<u>Rate Schedule</u>	<u>Factor</u>
RS	5.544¢/kwh
GS	5.329¢/kwh
GSD	5.189¢/kwh
OL, SL, CSL	4.746¢/kwh

These factors include demand cost recovery.
 Witness: Bachman

GULF: (Cranmer)

Fuel Cost Factors (Cents/KWH)

Group	Rate Schedules	Standard	Time of Use	
			On-Peak	Off-Peak
A	RS, GS, GSD OSIII, OSIV	2.329¢/KWH	2.409¢/KWH	2.302¢/KWH
B	LP	2.257¢/KWH	2.335¢/KWH	2.231¢/KWH
C	PX	2.214¢/KWH	2.290¢/KWH	2.188¢/KWH
D	OSI, OSII	2.326¢/KWH	N/A	N/A

<u>TECO:</u>	<u>Standard</u>	<u>On-Peak</u>	<u>Off-Peak</u>
Group A	2.393	2.622	2.315
Group A1	2.361	-	-
Group B	2.352	2.578	2.275
Group C	2.284	2.503	2.209
System (Mulder)	2.358	2.584	2.281

Company-Specific Fuel Adjustment Issues

Florida Power and Light Company

***ISSUE 8:** Should FPL be allowed to recover through the Fuel Cost Recovery Clause the costs of gas lateral enhancements?

POSITION: Yes. The enhancement to the gas lateral is specifically related to the transportation of natural gas and, as such, serves a purpose similar to that of rail cars used to deliver coal to the utility. For this reason FPL believes that recovery through the Fuel Cost Recovery Clause of the cost of the gas lateral enhancement is appropriate as recognized by Commission Order No. 14546, Docket No. 850001-EI-B which authorized recovery through the Fuel Cost Recovery Clause of fuel related transportation costs and Commission Order No. 18136, Docket No. 870001-EI, in which the Commission approved FPL's recovery of SJRPP rail cars through the Fuel Cost Recovery Clause. (Silva/Birkett)

Gulf Power Company

***ISSUE 9:** When the Monsanto Special Contract expires on December 31, 1992, how should the "fuel savings" associated with the contract that accrued as of December 31, 1992 be recovered from the general body of ratepayers, and how should the Special Account be liquidated?

POSITION: The "fuel savings" which have not yet been deposited into the Special Account at the time of its liquidation on December 31, 1992 should be recovered in the April through September 1993 fuel adjustment period.

In order to properly settle the Special Account, 25% of the fuel savings that are identified in the April-December 1992 period should be returned to Gulf through an adjustment to the April-September 1993 fuel factor. This represents Gulf's share of the Special Account funds that would have been deposited had there not been a lag between the time the fuel savings were accrued and the time they were recovered.

The fuel factor for the April-September 1993 period will also be adjusted to return to the ratepayers their 75% share of the account balance at the end of the contract, as well as 75% of the fuel savings that will be recovered for the period January through March of 1993.

Tampa Electric Company

***ISSUE 10a:** What is the appropriate 1991 benchmark price for coal Tampa Electric Company purchased from its affiliate, Gatliff Coal Company?

POSITION: This issue should be deferred to the February 1993 fuel hearings, because the Commission will not rule on Tampa Electric Company's Petition for Clarification and Guidance on the Appropriate market-based Pricing Methodology for Coal Purchased from Gatliff Coal Company, Docket No. 920041-EI until after the hearing in this fuel proceeding.

No further testimony or exhibits will be filed on this issue. The testimony and exhibits that have been filed on the issue in this proceeding will be transferred to the February proceeding, and they will not be considered here. No further discovery will be conducted, with the

exception of the previously scheduled deposition of Mr. Shea.

***ISSUE 10b:** Has Tampa Electric Company adequately justified any costs associated with the purchase of coal from Gatliff coal Company that are in excess of the 1991 benchmark price?

POSITION: This issue should be deferred to the February 1993 fuel hearings, because the Commission will not rule on Tampa Electric Company's Petition for Clarification and Guidance on the Appropriate market-based Pricing Methodology for Coal Purchased from Gatliff Coal Company, Docket No. 920041-EI until after the hearing in this fuel proceeding.

No further testimony or exhibits will be filed on this issue. The testimony and exhibits that have been filed on the issue in this proceeding will be transferred to the February proceeding and they will not be considered here. No further discovery will be conducted, with the exception of the previously scheduled deposition of Mr. Shea.

***ISSUE 10C:** Was Tampa Electric Company's recovery of the costs associated with the purchase of transportation services from its affiliates for the 1991 period justified?

POSITION: Tampa Electric Company's transportation costs are below the benchmark, and therefore no justification is required. (Cantrell)

***ISSUE 10d:** Tampa Electric Company reduced fuel expense by \$667,370 in May 1992 to reflect affiliated waterborne transportation charges overstated in September 1991. Should this reduction to fuel expense have been made in September, 1991, and if so, should fuel expense be further reduced by the interest applicable to this amount for the period September, 1991 through May, 1992?

POSITION: Yes. This adjustment was included in Tampa Electric's monthly fuel filing for May, 1992.

OPC'S PROPOSED ISSUE

*ISSUE 10e: Should TECO be ordered to refund the excess cost of Gatliff coal above the 1991 benchmark?

POSITION: This issue should be deferred to the February 1993 fuel hearings, because the Commission will not rule on Tampa Electric Company's Petition for Clarification and Guidance on the Appropriate market-based Pricing Methodology for Coal Purchased from Gatliff Coal Company, Docket No. 920041-EI until after the hearing in this fuel proceeding.

No further testimony or exhibits will be filed on this issue. The testimony and exhibits that have been filed on the issue in this proceeding will be transferred to the February proceeding, and they will not be considered here. No further discovery will be conducted, with the exception of the previously scheduled deposition of Mr. Shea.

Generic Generating Performance Incentive Factor Issues

*ISSUE 11: What is the appropriate GPIF reward or penalty for performance achieved during the period October, 1991 through March, 1992?

FPC: \$1,061,794 Reward (Micklon)

FPL: \$4,627,514 reward. (Overby)

GULF: Reward \$87,028. (Fontaine)

TECO: Reward of \$403,442. (Keselowsky)

*ISSUE 12: What should the GPIF targets/ranges be for the period October 1992 through March 1993?

<u>FPC:</u>	<u>EAF</u>		<u>HEAT RATE</u>		
	<u>Target</u>	<u>Min. Max.</u>	<u>Target</u>	<u>Min.</u>	<u>Max.</u>
<u>Plant:</u>					
Anclote 1	95.35	90.86 97.54	10111	9796	10426
Anclote 2	82.72	77.18 85.42	9971	9720	10222
Crystal River 1	72.30	61.27 77.98	9938	9768	10108
Crystal River 2	69.59	56.21 76.51	9964	9779	10148
Crystal River 3	80.04	63.29 89.08	10534	10384	10684
Crystal River 4	93.56	89.99 95.30	9255	9105	9405
Crystal River 5	61.54	58.87 62.83	9321	9171	9471

(Micklon)

FPL: See Attachment II. (Overby)

Equivalent Availability targets and ranges should be as follows:

<u>UNIT</u>	<u>EAF</u>	<u>MAX</u>	<u>MIN</u>
Turkey Point 3	79.1	82.1	76.1
Turkey Point 4	69.2	72.7	65.7
St. Lucie 1	88.3	91.3	85.3
St. Lucie 2	93.6	96.6	90.6

GULF: (Fontaine)

<u>Unit</u>	<u>EAF</u>	<u>POF</u>	<u>EUOF</u>	<u>Heat Rate</u>
Crist 6	81.1	9.89	8.97	10,372
Crist 7	69.2	11.54	19.27	10,040
Smith 1	87.8	4.94	7.21	10,329
Smith 2	62.7	34.61	2.70	10,325
Daniel 1	76.6	20.33	3.04	10,272
Daniel 2	77.7	20.33	2.01	10,247

EAF = Equivalent Availability Factor
 POF = Planned Outage Factor
 EUOF = Equivalent Unplanned Outage Factor

TECO: As set forth in Attachment "A" attached to the Prepared Direct Testimony of George A. Keselowsky. (Keselowsky)

Company-Specific GPIF Issues

Florida Power Corporation

*ISSUE 13: Should Florida Power Corporation be permitted, on a preliminary basis and subject to further review in the August 1993 fuel proceedings, to adjust the actual heat rate for Crystal River 1 and 2 to reflect the effect on the GPIF heat rate performance of the plants that may result from the Environmental Protection Agency's mandate to reduce circulating water flow?

POSITION: Yes.

Generic Oil Backout Issues

*ISSUE 14: What is the final oil backout true-up amount for the October, 1991 through March, 1992 period?

FPL: \$733,514 underrecovery. (Hoffman)

TECO: An overrecovery of \$603,095. (Tomczak/Simokat)

*ISSUE 15: What is the estimated oil backout true-up amount for the period April, 1992 through September, 1992?

FPL: \$685,173 overrecovery. (Hoffman)

TECO: An underrecovery of \$32,642. (Tomczak/Simokat)

*ISSUE 16: What is the total oil backout true-up amount to be collected during the period October, 1992 through March, 1993?

FPL: \$48,341 underrecovery. (Hoffman)

TECO: An overrecovery of \$737,702. (Tomczak/Simokat)

*ISSUE 17: What is the projected oil backout cost recovery factor for the period October, 1992 through March, 1993?

FPL: .017 cents/kWh. (Hoffman)

TECO: .098 cents per KWH. (Tomczak/Simokat)

Company-Specific Oil Backout Issues

Staff knows of no company-specific oil backout issues at this time.

Generic Capacity Cost Recovery Issues

*ISSUE 18: What is the final capacity cost recovery true-up amount for the October, 1991 through March, 1992 period?

FPC: None.

FPL: \$6,769,227 underrecovery. (Hoffman)

GULF: Gulf's initial implementation of a purchased power capacity cost recovery factor is proposed for the October, 1992 through March, 1993 recovery period. As a result, Gulf does not have a true-up amount for any periods prior to October, 1992. (Cranmer)

TECO: None. Since Tampa Electric has not applied capacity cost recovery in prior periods, there is no true-up to consider. (Mulder)

*ISSUE 19: What is the estimated capacity cost recovery true-up amount for the period April, 1992 through September, 1992?

FPC: None.

FPL: \$5,879,994 underrecovery. (Hoffman)

GULF: See position on Issue 18.

TECO: None. Since Tampa Electric has not applied capacity cost recovery in prior periods, there is no true-up to consider. (Mulder)

*ISSUE 20: What is the total capacity cost recovery true-up amount to be collected during the period October, 1992 through March, 1993?

FPC: None.

FPL: \$12,649,221 underrecovery. (Hoffman)

GULF: See position on Issue 18.

TECO: None. (Mulder)

*ISSUE 21: What are the appropriate projected net purchased power capacity cost amount to be included in the recovery factor for the period October, 1992 through March, 1993?

FPC: \$18,519,715. (before gross up for gross receipts tax).
\$18,817,697. (after gross up for gross receipts tax).

FPL: \$242,424,838, subject to resolution of company-specific issues. (Birkett)

GULF: \$3,207,831, subject to resolution of company-specific issues. (Cranmer)

TECO: \$3,106,772, as reflected on page 47 of Exhibit JEM-2, sponsored by Tampa Electric Company witness J. E. Mulder (Mulder).

*ISSUE 22: What are the appropriate capacity cost recovery factors for the period October, 1992 through March, 1993?

FPC: See Revised part D, page 6 of 6 of Mr. Weiland's exhibit.

FPL: Subject to the Commission's decision on company-specific issues, the appropriate capacity recovery factors are identified in Attachment III, Column 7. (Birkett)

GULF: Subject to the Commission's decision on company-specific issues the appropriate capacity cost recovery factors are: (Cranmer)

RATE CLASS	CAPACITY COST FACTOR ¢/KWH
RS, RST	0.107
GS, GST	0.106
GSD, GSDD	0.081
LP, LPT	0.071
PX, PXT	0.060
OSI, OSII	0.011
OSIII	0.064
OSIV	0.007
SS	0.058

TECO: The appropriate factors are as follows:

<u>Rate Schedules</u>	<u>Factor</u>
RS	.055 cents per KWH
GS, TS	.051 cents per KWH
GSD	.048 cents per KWH
GSLD, SBF	.046 cents per KWH
IS-1 & 3, SBI-1 & 3	.034 cents per KWH
SL, OL	.037 cents per KWH

(Mulder)

Company-Specific Capacity Cost Recovery Issues

Florida Power Corporation

***ISSUE 23:** Is Florida Power Corporation's methodology for calculating its capacity cost recovery factor appropriate?

POSITION: Yes.

Florida Power and Light Company

ISSUE 24: Are the capacity payments associated with St. Johns River Power Park (SJRPP) appropriate for recovery through the capacity cost recovery clause, as provided in Order No. 25773?

FPL: Yes. The purchase of power equivalent to 30% of the capacity of the SJRPP, which commenced in 1987, is a reasonable, prudent and necessary expense which benefits FPL's customers. In addressing the recoverability of the capacity portion of long term purchase power contracts, the Commission stated in Order No. 25733:

Currently, only the energy portion of long term contracts are handled in fuel. The capacity portion of the contracts has been recovered through base rates. No matter when the contract is implemented, the capacity portion of those costs are not recoverable until the utility has a full requirements rate case.

This has proved to be a disincentive to utilities exploring options to building capacity, if they do not anticipate a rate case in the near future. FPL currently has such a situation in its long term contract with Jacksonville Electric Authority (JEA). The utility is recovering the fuel related costs of the contract but not the demand related portion, because the contract was initiated since their late rate case.

Order No. 15773 then expressed the criteria to be applied in identifying those purchase power capacity payments that would be recovered through the capacity cost recovery clause in addition to those previously included by authorization of Order No. 24840, stating:

We will permit utilities to include capacity related purchased power costs not currently being recovered through the fuel or oil backout charges in the calculation of a capacity recover factor for contracts entered into since the utility's last rate case. Purchased power demand costs currently being recovered in base rates are to remain in base rates until the utility's next general rate case.

The criteria was again addressed in the third "ordering paragraph" of Order No. 25733:

ORDERED that capacity related purchased power costs not currently being recovered in any manner may be included in the capacity recovery factor. Those costs currently being recovered in base rates will remain in base rates until the utility's next general rate case.

FPL makes capacity payments to JEA pursuant to a contract to purchase a portion of the St. John River Power Park (SJRPP). FPL commenced its capacity payments

to JEA for this capacity in 1987 which is after FPL's last full requirements rate case as referred to in Order No. 25773. The Commission has not authorized the recovery of these capacity payments through base rates or through any recovery clause mechanism. Therefore, the capacity payments to JEA for which FPL now seeks recovery satisfy the criteria for recovery stated by the Commission in Order No. 25773. This is precisely what Order No. 25773 said; observing that FPL currently has such a situation in its long term contract with Jacksonville Electric Authority" and, that FPL is not recovering the demand related portion of its payments to JEA "because the contract was initiated since their last rate case."

Docket No. 890319-EI involved the quantification of a rate reduction based solely on tax savings. It was not a rate case. The suggestion that the recognition of the SJRPP capacity payments in the tax rate reduction approved by the Commission in Docket No. 890319-EI caused the rate reduction to be lower and base rates higher misperceives the purpose and effect of the rate reduction implemented in that Docket. That rate reduction was solely for the purpose of establishing the savings resulting from a change in the applicable income tax rates. The SJRPP capacity payments had to be included in the calculation of tax expense and tax savings simply because taxable income is derived by subtracting actual expenses from actual revenues. Moreover, the maximum measure of any reduction was limited to the tax savings resulting from the change to the corporate income tax rates. Thus, it is incorrect to assert that the SJRPP capacity costs are being recovered through current base rates.

FPL wishes to point out that just as in the prior tax savings refund dockets, the rate reduction to reflect tax savings in Docket No. 890319-EI did consider FPL's estimated overall earned rate of return and assumed that with the rate reduction to reflect tax savings FPL's overall earned rate of return would be adequate. That conclusion does not mean that the SJRPP capacity costs were authorized for recovery in base rates.

In authorizing the current recovery of capacity payments in Order No. 25773, the Commission did not propose the application of an earnings test and certainly did not propose the type of retrospective earnings test the

staff now suggests. Obviously, if considered relevant, the application of an earnings test in connection with the authorization to recover capacity payments can affect the result. Order No. 25773 did not contemplate such an earnings test application and FPL relied on Order No. 25773 in making its request to recover the capacity payments for SJRPP. (Birkett/Waters)

FIPUG: No. FPL included the capacity payments associated with SJRPP in its 1988 tax savings case which resulted in a base rate reduction. To include the costs through the capacity cost recovery factor would be a double recovery for FPL and should not be permitted.

OPC: No position.

STAFF: No. Capacity expenses associated with purchased power from SJRPP were included in determining the Commission-ordered permanent rate reduction effective January 1, 1990, in conjunction with Docket No. 890319-EI. The inclusion of these expenses caused the reduction to be lower, and base rates higher, than they would have been had the SJRPP expenses not been included. Since the costs have been included in determining current base rates, these costs must remain in base rates until the utility's next rate case.

Gulf Power Company

ISSUE 25a: Are the capacity payments associated with Gulf's participation in the Southern electric system's Intercompany Interchange Contract (IIC) appropriate for inclusion in the capacity cost recovery clause, as provided in Order No. 25773, beginning October 1992?

GULF: Yes. Gulf Power has purchased power capacity costs and revenues that are not being recovered in any manner, whether through present base rates or any other existing recovery mechanism. As recognized by the Commission in Order No. 25773 issued February 24, 1992 in Docket No. 910794-EQ, such a situation serves as a disincentive to utilities exploring the purchase of capacity as an option to building capacity. For this reason, and in order to remedy the inequity that has occurred in the past when demand related costs such as capacity charges have been allocated to rate classes on an energy basis, the Commission has ordered the investor-owned electric

utilities to implement a purchased power capacity cost recovery factor by which capacity costs incurred by the utilities will be allocated among rate classes based on demand and recovered through a factor added to the energy charge.

Some parties would apparently deny recovery of IIC costs under the new clause based upon their interpretation of certain language in the body of the order which would deny recovery under the clause if "any costs or revenues" from the contract under consideration were included in a prior rate case. Such an interpretation is overly restrictive and is wholly inconsistent with the ordering paragraphs of Order No. 25773. It is likewise inconsistent with the spirit and intent of the new recovery clause.

Inclusion of the appropriate amount of IIC capacity costs in the recovery clause is a straightforward mathematical calculation. It involves no change whatsoever to base rates. In the 1990 test year, Gulf was projected to be a net seller under the IIC in the amount of \$1,898,000. This amount was credited against O&M expenses, causing a net reduction in base rates from what they otherwise would have been. During the subject six month period (Oct.'92 thru Mar.'93), Gulf is projected to be a net purchaser of capacity through the IIC in the amount of \$3,365,402.

Gulf's proposed recovery does not ". . . entail a limited proceeding to extract . . . costs from base rates . . ." and is neither difficult nor likely to result in other inequities. (See Order No. 25773 at Page 5) Therefore, any rationale for limiting the applicability of the newly implemented purchased power capacity cost recovery clause to "new" contracts is not applicable to the situation presented by Gulf's net purchases of capacity identified in this proceeding. The limitation suggested in the discussion portion of Order No. 25773 is not mandatory nor is it appropriately applied to exclude any of the costs which Gulf proposes to recover through the purchased power capacity cost recovery factors.

The capacity purchases presently identified by Gulf for inclusion in the purchased power capacity cost recovery factor are made as part of Gulf's participation in the Southern electric system's Intercompany Interchange

Contract (IIC). Gulf's participation in the IIC results in net capacity purchases that were not included in final approved base revenue requirements determined in the Company's last rate case. These capacity related purchased power costs are not presently being recovered by Gulf in any manner, whether through base rates or any other recovery mechanism.

The Commission has previously recognized the Company's participation in the IIC to be both reasonable and prudent and in the long term best interests of Gulf's customers. Capacity transactions through the IIC, both purchases and sales, are projected annually based on the capacity equalization formula established in the contract. Each annual projection incorporates updated amounts for each individual operating company's available capacity, their individual historical loads, and each operating company's present embedded costs. These factors are inputs to the capacity equalization calculation which is projected annually and reflected in the annual informational filing submitted each October to the FERC pursuant to its requirements. The annual informational filing reflects the projected capacity purchases/sales by month for the coming year. Transactions during the year are based on actual load conditions at the time. In the test year for its last rate case, Gulf was a net seller of capacity through the IIC based on the informational filing submitted in October 1989. During the six month recovery period presently at issue, based on the informational filing submitted in October 1991, Gulf is a net purchaser of capacity through the IIC. The projected net capacity purchases through the IIC during the subject six month recovery period are reasonable and prudent. See also Gulf's position with respect to Issues 25b and 25c. (Howell, McMillan)

FIPUG: Agree with Staff.

OPC: No position.

STAFF: No. Commission Order No. 25773 in Docket No. 910794-EQ, which approved the creation of the purchased power cost recovery factor, allows for the recovery of two types of costs through the factor: 1) Those capacity related purchased power costs that are already being recovered on an energy basis through fuel or oil backout charges; and, 2) those capacity related purchased power costs not

currently being recovered through fuel or oil backout charges that are related to purchased power contracts that were entered into since the utility's last rate case.

The order clearly indicates that any purchased power costs that were taken into account in establishing the level of the company's base rates will remain in base rates until the utility's next rate case.

Gulf's projected IIC sales and purchases were used in determining base rates in their last rate case (Docket No. 891345-EI), and thus should not be included in the capacity cost recovery factor.

ISSUE 25b: Are the revenues resulting from Gulf's Long-Term Non-Firm Contract with Florida Power Corporation appropriate for inclusion in the capacity cost recovery clause, as provided in Order No. 25773, beginning in October, 1992?

GULF: Yes, but only as an offset to the cost amounts for the net purchases of capacity identified in Issue 25a. Gulf's position with respect to this issue is dependant on the Commission's decision with respect to the IIC capacity costs in issue 25a, above. If the IIC costs are included, then the FPC Schedule E revenues should be included as a credit. It would be wholly inequitable for the Company to be required to credit Schedule E capacity revenues in the amount of \$906,000 while simultaneously being denied the opportunity to recover \$3,365,402 in IIC capacity costs, based solely upon the respective dates the contracts were entered into. See also Gulf's position on Issues 25a and 25c. (Howell, McMillan)

FIPUG: Agree with staff.

OPC:

STAFF: Yes. Florida Power Corporation is presently recovering the capacity costs associated with its schedule E contracts through the fuel clause. Florida Power Corporation has proposed that it now recover those costs through the capacity cost recovery factor. Staff believes that it is appropriate for FPC to do that, and therefore it is equally appropriate for Gulf to treat its schedule E contract sales and purchases in the same

manner.

ISSUE 25c: If the Commission determines that it is appropriate for Gulf to recover the costs associated with its IIC through a capacity cost recovery clause, beginning October 1992, has Gulf made an appropriate adjustment to the total projected net purchased power capacity costs to account for the component of expected base rate revenues during the subject recovery period associated with the level of purchased power capacity costs/revenues included in present base rates?

GULF: Yes. The adjustment proposed by the Company leaves present base rates intact and unchanged and at the same time ensures that the portion of the net purchased power capacity costs incurred by the Company over and above the amounts in present base rates are included in the Company's proposed purchased power capacity cost recovery factors.

By adjusting the amounts proposed for recovery through the purchased power capacity cost recovery clause, and leaving the present base rates unchanged, Gulf's proposed adjustment enables the Commission and the Company to immediately implement the intended result behind Order No. 25773 and still avoid any potential problems referred to in that order that might be expected if adjustments to base rates were undertaken outside of a rate case. This type of transition adjustment is consistent with the approach used by the Commission when it first implemented a separate fuel cost recovery clause to recover fuel costs previously recovered through the utilities' base rates.

Gulf's filing actually identifies the purchased power capacity costs included in base rates, and requests recovery of the incremental amount (increases or decreases) incurred since the Company's last base rate case. It is Gulf's position that all purchased power capacity payments and receipts should be identified, and only the net increase or decrease since the Company's last change in base rates should be recovered through the purchased power capacity cost recovery clause. This way ensures that there is no double recovery.
(McMillan, Cranmer)

FIPUG: Agree with Staff.

OPC: No position.

STAFF: Since no contracts presently included in setting base rates can be recovered through the capacity cost recovery factor, no adjustment to base rate revenues is appropriate.

*ISSUE 25d: Is Gulf Power Company's methodology for calculating its capacity cost recovery factor appropriate?

POSITION: Yes. As required by Commission Order No. 25773 issued February 24, 1992 in Docket No. 910794-EQ, the revenue requirements for net purchased power capacity costs have been allocated to rate class using the cost of service methodology used in Gulf's last full revenue requirements rate case and approved by the Commission in Order No. 23573 issued October 3, 1990 in Docket No. 891345-EI. Although the capacity payments in that cost of service study were allocated to rate class using the demand allocator based on the twelve monthly coincident peaks projected for the test year, for purposes of the proposed purchased power capacity cost recovery clause, Gulf has reached agreement with Staff to allocate the net purchased power capacity costs to rate class with 12/13th on demand and 1/13th on energy. This allocation is consistent with the treatment accorded to production plant in the cost of service study used in Gulf's last rate case. The allocation factors used in calculating the purchased power capacity cost recovery factors were calculated using updated 1991 load data as filed with the Commission in accordance with Rule No. 25-6.0437 F.A.C. (Cranmer)

Tampa Electric Company

*ISSUE 26: Is Tampa Electric Company's methodology for calculating its capacity cost recovery factor appropriate?

POSITION: Yes. Tampa Electric's proposed methodology is reasonable and should be approved. (Mulder)

VII. EXHIBIT LIST

Exhibit numbers for the hearing will be assigned at the start of the hearing.

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
<u>FPC</u> Wieland	FPC	(KHW-1)	True-up Variance Analysis
Wieland	FPC	(KHW-2)	Schedules A1 through A13
Wieland	FPC	(KHW-3)	Forecast Assumptions (Parts A-^C)
Wieland	FPC	(KHW-4)	Capacity Cost Recovery Factor (Part D) Revised
Wieland	FPC	(KHW-5)	Schedules E1 through E11 and H1, including revised E1(TOU) and E1 (Final)
Micklon	FPC	(WCM-1)	Standard Form GPIF S c h e d u l e s Reward/Penalty)
Micklon	FPC	(WCM-2)	Standard Form GPIF S c h e d u l e s (Targets/Ranges)
<u>FPL</u> Hoffman	FPL	(ELH-1)	A Schedules(fuel true-up)
Hoffman	FPL	(ELH-2)	A Schedules, E Schedules (Fuel EST/ACT True-up)
Hoffman	FPL	(ELH-3)	OB Schedules (True-up)
Hoffman	FPL	(ELH-4)	OB Schedules (EST/ACT true-up and projections)

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Hoffman	FPL	(ELH-5)	Capacity Cost Recovery Data (True-up)
Hoffman	FPL	(ELH-6)	Capacity Cost Recovery Data (EST/ACT true-up)
Silva	FPL	(RS-1)	E-Schedules (fuel projections)
O'Farrill	FPL	(COF-1)	E-Schedules (fuel projections)
Birkett	FPL	(BTB-1)	E-Schedules (fuel projections)
Birkett	FPL	(BTB-2)	Capacity Cost Recovery Data (Projections)
Waters	FPL	(SSW-1)	Capacity Cost Recovery Data (Projections)
Overby	FPL	(FRO-1)	Generating Performance Data (Results)
Overby	FPL	(FRO-2)	Generating Performance Data (Results)
<u>FPUC</u> Bachman	FPUC	(GMB-1)	Schedules, E, E-1, E-1b, E-2, E-4, E-8, E-10, E-11, H-1, M-1 (Marianna Division-Fernandina: E, E-1, E-1b, E-2, E-4, E-8, E-8a, E-10, E-11, H-1, F-1)
<u>GULF</u> Gilchrist	Gulf	(MLG-1)	Coal Suppliers Oct.'91 - Mar.'92
Gilchrist	Gulf	(MLG-2)	Projected vs. Actual Fuel Cost
Cranmer	Gulf	(SDC-1)	True-up Calculation

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Cranmer	Gulf	(SDC-2)	Schedules E-1 through E-11; 12; H-1; & monthly A-1 thru A-2, December '91 thru May '92; Contract Recovery Calculation
Fontaine	Gulf	(GDF-1)	GPIF Results Schedules
Fontaine	Gulf	(GDF-2)	GPIF Targets and Ranges
Howell	Gulf	(MWH-1)	Listing of Purchased Power Contracts Oct. '92 - Mar. '93
McMillan	Gulf	(RJM-1)	Purchased Power Capacity Payments (Receipts) in Retail Base Rates
Cranmer	Gulf	(SDC-3)	Projected Purchased Power Capacity Payments/(Receipts) Calculation of purchased power Capacity cost recovery factors Proposed Rate Schedule PCC Purchased Power Capacity Cost Recovery Clause
Mulder	TECO	(JEM-1)	Levelized fuel cost recovery final true-up, October 1991 - March 1992
Mulder	TECO	(JEM-2)	Fuel adjustment projection, October

1992 - March 1993

<u>Witness</u>	<u>Proffered By</u>	<u>I.D. No.</u>	<u>Description</u>
Mulder	TECO	(JEM-3)	Capacity cost recovery projection, October 1992 - March 1993
Keselowsky	TECO	(GAK-1)	Generating Performance Incentive Factor Results, October 1991 - March 1992
Keselowsky	TECO	(GAK-2)	GPIF Targets and Ranges for October 1992 - March 1993
Keselowsky	TECO	(GAK-3)	Estimated Unit Performance Data, October 1992 - March 1992
Tomczak/ Simokat	TECO	(RFT/EAS-1)	Schedules Supporting Oil Backout -1: Cost Recovery Factor - Actual, October 1991 - March 1992
Tomczak/ Simokat	TECO	(RFT/EAS-2)	Schedules Supporting Oil Backout Cost Recovery Factor, October 1992 - March 1993
Tomczak/ Simokat	TECO	(RFT/EAS-2)	Gannon Conversion Project Comparison of Projected Payoff with Original Estimate as of May 1992
Cantrell	TECO	(WNC-1)	Affiliated coal transportation transactions compared to benchmark prices calculated in accordance with Order No. 20298

Parties and Staff reserve the right to identify additional exhibits for the purpose of cross-examination.

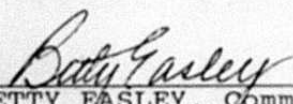
VIII. PROPOSED STIPULATIONS

All issues with an asterisk have been stipulated.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that these proceedings shall be governed by this order unless modified by the Commission.

By ORDER of Commissioner Betty Easley, as Prehearing Officer, this 10th day of August, 1992.


BETTY EASLEY, Commissioner
and Prehearing Officer

(S E A L)

MCB:bmi

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 this order, which is preliminary, procedural or intermediate in nature, may request: 1) reconsideration within 10 days pursuant to Rule 25-22.038(2), Florida Administrative Code, if issued by a Prehearing Officer; 2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida Administrative Code, if issued by the Commission; or 3) 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

ORDER NO. PSC-92-0775-PHO-EI
DOCKET NO. 920001-EI
PAGE 35

reconsideration shall be filed with the Director, Division of Records and Reporting, 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.