

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation of) DOCKET NO. 930055-EU
proposed Stockholder Incentives) ORDER NO. PSC-93-0854-PCO-EU
for Off-System Sales of Capacity) ISSUED: June 8, 1993
and Energy by Investor-Owned)
Utilities)
_____)

**ORDER GRANTING MOTION TO FILE INTERVENOR TESTIMONY OUT OF TIME
AND ESTABLISHING DATE FOR FILING REBUTTAL TESTIMONY**

On May 21, 1993 the Florida Industrial Power Users Group (FIPUG), an intervenor in this docket filed a Motion to File Intervenor Testimony out of Time. In the motion, FIPUG alleges that a recent filing made by Florida Power and Light Company (FPL) with the Federal Energy Regulatory Commission (FERC) "would make sweeping changes in the market for wholesale power". FIPUG recognizes that this Commission has no jurisdiction over FPL's FERC filings, but urges that additional testimony is necessary for the Commission to be able to fully consider the impacts that the FPL Ferc filing would have on Florida electric grid brokerage transactions. FIPUG states that Tampa Electric Company is opposed to the motion.

FPL timely filed a response to the motion. FPL alleges that "...evaluation of FPL's FERC filing in this Docket is little more than an attempt to directly address a matter which even FIPUG admits is beyond this Commission's jurisdiction". FPL further alleges that this subject is "...irrelevant to the issue in this docket of whether utilities ought to be provided incentives for off-system sales". No other party filed a response to the motion.

Having reviewed the motion and considering the response thereto I find that it should be granted. Any allegation concerning the relevancy of FIPUG's testimony can be best addressed through a Motion to Strike that testimony.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that FIPUG's Motion to File Intervenor Testimony out of Time is granted. FIPUG shall file testimony on or before June 11, 1993. It is further

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ORDERED that any other party to this proceeding may file rebuttal testimony to FIPUG's testimony on or before June 25, 1993.

By ORDER of Chairman J. Terry Deason, as Prehearing Officer, this 8th day of June, 1993.



J. TERRY DEASON, Chairman and
Prehearing Officer

(S E A L)
RVE: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 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

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review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.