

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation into the) DOCKET NO. 890779-EU
adequacy of the electrical) ORDER NO. PSC-93-1149-CFO-EU
transmission grid in North) ISSUED: August 9, 1993
Florida.)
_____)

ORDER DENYING MOTION FOR A PROTECTIVE ORDER AND OBJECTIONS

Docket No. 890779-EU was established to investigate whether the existing and currently planned transmission grid in north Florida is sufficient to transfer generation and purchased power from north Florida to the load centers in central and south Florida. Pursuant to Order No. 23909, the Commission ordered Florida Power Corporation (FPC) and Florida Power and Light (FPL) to file status reports on the development of a 500 kV transmission line from the Southern Company to the Central Florida substation and from the Kathleen to Orange River substations. Order No. 23909 kept this Docket open pending further action or the filing of a Petition for Need Determination.

On December 14, 1992, staff held a publicly noticed meeting at which FPC explained that it was delaying the projected in-service date of the 500 kV line from 1997 to the year 2002.

On April 8, 1993, staff held another publicly noticed meeting and FPL indicated that it could fill its need for additional transmission import capability by adding series capacitors to existing 500 kV lines to increase import capability by approximately 500 MW.

On June 9, 1993, FPC indicated that a verbal agreement had been reached between FPC, Southern, and FPL to cancel the letters of intent for the 1997 project.

On June 24, 1993, staff filed a recommendation that this docket be closed. On July 6, 1993, the Commission denied staff's recommendation and directed staff to schedule a workshop to bring the Commissioners up to date regarding the issues in this docket.

On July 19, 1993, the Commission issued a Notice of Workshop in this docket. The workshop was scheduled for September 3, 1993. The notice set forth the purpose of the workshop as follows:

The purpose of this workshop shall be to conduct discussion on the status of the proposed 500 kV transmission project which was the subject of Commission Order No. 23909, issued December 12, 1990, and specifically to discuss the plans of Florida Power Corporation and Florida Power and Light Company regarding

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said project. The status of the energy and capacity needs of Florida Power Corporation and Florida Power and Light Company in light of the denial of the Petition to Determine Need in Docket No. 920520-EQ (Order No. PSC-92-1355-FOF-EQ, issued November 23, 1993) will also be discussed.

In Order No. PSC-93-1100-FOF-EU, issued in this docket on July 28, 1993, the Commission stated:

We have yet to receive information that would lead us to change our holding in Order No. 23909. We choose to keep this docket open pending further investigation into the effect postponement of the line would have on the adequacy of the grid in Florida.

On July 20, 1993, Falcon Seaboard Power Corporation (Falcon) served Florida Power and Light Company with interrogatories and requests for production of documents in this docket. On July 29, 1993, FPL filed a Motion for Protective Order and Objections to the discovery sought by Falcon. In its Motion, FPC argues that since the hearing in this docket has already been held, there is no "pending action" and the information sought by Falcon cannot be "relevant to the subject matter of the pending action." Therefore FPL asserts, the information sought by Falcon is not within the scope of discovery permitted by Rule 1.280, Florida Rules of Civil Procedure. FPL also argues that the discovery requests are onerous and burdensome.

I disagree with FPL's assertion that there is no "pending action" in this docket. In Order No. 23909, the Commission ordered that this docket remain open "pending further action" or the timely filing of a petition for need determination. That order clearly contemplated further action or a need determination proceeding. Since FPC and FPL have stated that they will not be filing a need petition, further action needs to be taken to determine the effect FPC's and FPL's decision to postpone the line will have on the adequacy of the grid in Florida. The Commission made this clear in Order No. PSC-93-1100-FOF-EU, issued July 28, 1993:

We choose to keep this docket open pending further investigation into the effect postponement of the line would have on the adequacy of the grid in Florida.

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The first step in the pending action before the Commission will be the workshop scheduled for September 3, 1993. Thereafter, after receiving information at the workshop, the Commission will decide what further action needs to be taken in this docket to ensure the adequacy of the grid.

I have reviewed the discovery request made by Falcon and it appears to be relevant to the matters at issue in this docket. The request does not appear to be onerous and burdensome. I note that Florida Power Corporation responded to an identical discovery request from Falcon on July 29, 1993.

It is therefore,

ORDERED by Chairman J. Terry Deason, Prehearing Officer, that the Motion for a Protective Order and Objections filed by Florida Power and Light Company on July 29, 1993, are hereby denied. It is further

ORDERED that Florida Power and Light Company shall respond to Falcon Seaboard's First Set of Interrogatories and First Request for Production of Documents and Things in a timely manner.

By ORDER of Chairman J. Terry Deason, as Prehearing Officer, this 9th day of AUGUST, 1993.



J. TERRY DEASON, Chairman
and Prehearing Officer

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